

KwAZULU-NATAL PROVINCE

KwAZULU-NATAL PROVINSIE

ISIFUNDAZWE sAKwAZULU-NATALI

Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe

GAZETTE EXTRAORDINARY — BUITENGEWONE KOERANT — IGAZETHI EYISIPESHELI

(Registered at the post office as a newspaper) • (As 'n nuusblad by die poskantoor geregistreer)

(Irejistiwee njengephephandaba eposihhovisi)

PIETERMARITZBURG

Vol. 11

9 NOVEMBER 2017
9 NOVEMBER 2017
9 KULWEZI 2017

No. 1898

CONTENTS

Gazette *Page*
No. *No.*

ACTS • WETTE

6	KwaZulu-Natal Gaming and Betting Amendment Act (4/2017): Amendment of the KwaZulu-Natal Gaming and Betting Act, 2010, textual amendments; to insert new definitions and new provisions; and to provide for matters connected therewith	1898	3
6	KwaZulu-Natal Wysigingswet op Dobbelary en Weddery (4/2017): Wysiging van die KwaZulu-Natal Wet op Dobbelary en Weddery, 2010, te wysig. tekstuele wysigings te bewerkstellig; nuwe omskrywings en nuwe bepalings in te voeg; en om vir aangeleenthede wat daarmee verband hou voorsiening te maak	1898	33

ACTS • WETTE

NOTICE 6 OF 2017

[English text signed by the Premier]

**KWAZULU-NATAL
GAMING AND BETTING AMENDMENT ACT,
2017
(Act No. 04 of 2017)**

Assented to on 03-10-2017

ACT

To amend the KwaZulu-Natal Gaming and Betting Act, 2010, so as to effect textual amendments; to insert new definitions and new provisions; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of the Province of KwaZulu-Natal, as follows:-

Amendment of section 1 of Act 8 of 2010

1. Section 1 of the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 8 of 2010), hereinafter referred to as the principal Act, is hereby amended –

(a) by the substitution for the definition of “bingo” of the following definition:

“**“bingo”** means a game, **[organised as a group activity, in which multiple players compete against each other, including a game]** whether played in whole or in part by electronic means or otherwise –

(a) **[that is played]** for consideration, using cards or other devices, including devices that depict cards –

(i) that are divided into spaces, each of which bears a different number, picture or symbol; and

(ii) **[with]** such numbers, pictures or symbols being arranged randomly **[such]** so that each card or **[similar]** device contains a unique set of numbers, pictures or symbols;

(b) in which **[an operator or announcer calls or displays]** a series of numbers, pictures or symbols are called or displayed in random order and **[the players match each such number, picture or symbol]** such numbers, pictures or symbols are matched on the card or device as **[it is]** they are called or displayed; and

(c) in which the player **[who]** whose card or device is the first to **[match]** have all the spaces **[on the card or device]** matched thereon, or **[who matches]** on whose card or device a specified set of numbers, pictures or symbols **[on the card or device]** are matched, wins a prize or prizes,

or any other substantially similar game declared to be bingo in accordance with section 6(4)(b) of the National Gambling Act, 2004 (Act No. 7 of 2004);”;

(b) by the substitution for the definition of “bookmaker” of the following definition:

“**“bookmaker”** means a person **[who is]** licensed in terms of section 94, to accept offers or stakes in the process of transacting bets on horse races, sports, sporting events or any other events or contingencies, or on a combination of such horse races, sports, sporting events, other events or contingencies;”;

(c) by the insertion after the definition of “committee” of the following definitions:

“compulsory specification” means a compulsory specification as defined in section 1 of the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008);

“conformity assessment” means a conformity assessment as defined in section 1 of the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008);

“conformity assessment services provider” means a person that undertakes conformity assessments on behalf of the National Regulator for Compulsory Specifications, in terms of an agreement entered into by such person and the National Regulator for Compulsory Specifications;”;

(d) by the substitution for the definition of “corporate body” of the following definition:

“corporate body” means a company registered in terms of the Companies Act [1973] 2008 (Act No. [61] 71 of [1973] 2008), a partnership, [or which was formed in pursuance of the Regulation of Racing and Betting Ordinance, 1957 (Ordinance No. 28 of 1957),] or a close corporation registered in terms of the Close Corporations Act, 1984 (Act No. 69 of 1984);”;

(e) by the substitution for the definition of “financial interest” of the following definition:

“financial interest” means –

(a) a right or entitlement to share in profits or revenue;

[(b) a real right in respect of property of a company, corporation or business;] or

[(c)] (b) a real or personal right in property used by a company, corporation or business; [or]

[(d) a direct or indirect interest in the voting shares, or voting rights attached to shares, of a company or an interest in a close corporation;] and

(c) does not include –

(i) an indirect interest held in any fund or investment, if the person holding that interest has no control over the investment decisions made

in respect of that fund or investment; or

(ii) any entitlement to revenue accruing to a person pursuant to a contract for the supply of goods or services to a licensee or registrant;”;

(f) by the insertion after the definition of “gaming machine” of the following definition:

““gaming position” means –

(a) a gaming machine designed for use by a single natural person;

(b) a component of a gaming machine which is designed for use by more than one natural person, and which facilitates participation in gaming by a single natural person;

(c) a component of gaming equipment which facilitates participation in gaming by a single natural person; or

(d) a seat or standing space in licensed premises, which facilitates participation in gaming by a single natural person.”;

(g) by the insertion after the definition of “gaming position” of the following definition:

““harness racing horse race” means a horse race in which only standardbred horses may compete, at a trot or pace, either ridden under saddle by a natural person, or driven by a driver aboard a sulky which is pulled by the horse: Provided that a horse race in which any other breed of horse competes at a gallop, a trot or a pace, at a racecourse operated by a licenced harness racing racecourse operator, is deemed to be a harness racing horse race, for the purposes of this Act;”;

(h) by the deletion of the definition of “Horse Racing and Betting Transformation Fund”;

(i) by the substitution for the definition of “independent site operator” of the following definition:

““independent site operator” means a site operator [who] that is not linked to a route operator and that is licensed to [own and] operate limited payout machines on a [single] site [and is responsible for maintaining the machines, effecting the collection of money and paying the applicable taxes and levies];”;

(j) by the insertion after the definition of “inspector” of the following definition:

““letter of authority certificate” means a certificate issued by the National

Regulator for Compulsory Specifications, as contemplated in section 5(2)(f) of the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008), which permits commodities or products to be sold or services to be supplied;"

(k) by the insertion after the definition of "National Gambling Act" of the following definition:

"**NRCS**" means the National Regulator for Compulsory Specifications of South Africa established by section 3(1) of the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008);"

(l) by the substitution for the definition of "person" of the following definition:

"**person**" means a natural [or juristic] person [, a group of such persons] or a corporate body, unless the context indicates a contrary intention;"

(m) by the substitution for the definition of "publish" of the following definition:

"**publish**" includes, unless the context indicates a contrary intention, to exhibit, circulate, announce or cause to be exhibited or circulated or announced in any manner whatsoever;"

(n) by the substitution for the definition of "racecourse operator" of the following definition:

"**racecourse operator**" means a corporate body, or bodies, licensed in terms of section 89 to hold race meetings at one or more racecourses;"

(o) by the substitution for the definition of "registrant" of the following definition:

"**registrant**" means a person [who] that holds a valid registration certificate or temporary registration certificate issued in terms of this Act;"

(p) by the substitution for the definition of "route operator" of the following definition:

"**route operator**" means a person [who] that is licensed in terms of this Act to provide limited payout machines to site operators and to conduct any other prescribed activities;"

(q) by the insertion after the definition of "SABS" of the following definition:

"**SANS**" means a South African National Standard approved by the South African Bureau of Standards in accordance with the Standards Act, 2008 (Act No. 8 of 2008);"

(r) by the substitution for the definition of "site operator" of the following definition:

“site operator” means a person [who] that is authorised to keep and operate limited payout machines [on his or her premises] in terms of a licence issued in accordance with this Act;”

(s) by the insertion after the definition of “sports bet” of the following definitions:

“standardbred horse” means a horse descended from the horse known as Rysdyk's Hambletonian, which was foaled in 1849 in the United States of America and which is considered to be the foundation sire of the breed;”

“standardbred horse race” means a harness racing horse race, other than a harness racing horse race, in which only standardbred horses may compete, ridden by a natural person, at a gallop, a trot or a pace: Provided that a horse race in which any other breed of horse competes at a gallop, a trot or a pace, at a racecourse operated by a licenced standardbred racecourse operator, is deemed to be a standardbred horse race, for the purposes of this Act;”

“sulky” means, when used as a noun, a two-wheeled cart, with a single seat for the driver, which is pulled by a standardbred horse in a harness racing horse race;”

(t) by the insertion after the definition of “this Act” of the following definitions:

“thoroughbred horse” means a horse descended from one of three horses known as the Byerley Turk, the Darley Arabian and the Godolphin Arabian;”

“thoroughbred horse race” means a horse race in which only a thoroughbred horse, ridden by a natural person, may compete;”

(u) by the insertion after the definition of “totalisator” of the following definition:

“totalisator agency” means totalisator premises from which a totalisator agent operates an agency of a totalisator, in terms of an agreement between a totalisator licensee and such totalisator agent;”

(v) by the substitution for the definition of “totalisator agent” of the following definition:

“totalisator agent” means a person [who] that is appointed, under contractual terms which do not constitute a contract of employment and in

terms of section 111(1)(b)(ii), by a totalisator licensee, to operate an agency of **[the relevant] that** totalisator licensee.”; and

(w) by the insertion after the definition of “totalisator premises” of the following definition:

“Transformation Fund” means the fund established in terms of section 137 of this Act.”.

Amendment of section 6 of Act 8 of 2010

2. Section 6 of the principal Act is hereby amended –

(a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) promote opportunities for **[historically disadvantaged]** persons contemplated in the definition of “broad-based black economic empowerment”, as contained in the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003), to participate in the **[horse racing and betting industries] gambling industry of the Province** in the capacity of **[any of the persons required to be licensed or registered in terms of section 89, 94, 103, 110 or 111] licensees or registrants under this Act**.”;

(b) by the substitution for paragraph (d) of subsection (1) of the following paragraph:

“(d) increase the ownership stakes of **[historically disadvantaged]** persons contemplated in the definition of “broad-based black economic empowerment”, as contained in the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003) in the **[horse racing and betting industries] gambling industry of the Province**.”; and

(c) by the deletion of subsection (2).

Amendment of section 7 of Act 8 of 2010

3. Section 7 of the principal Act is hereby amended –

(a) by the substitution for paragraph (q) of subsection (2) of the following paragraph:

“(q) authorise, with or without conditions, or refuse an application made as prescribed, by a person licensed in terms of section [89,] 94 or 110, [in accordance with section 121,] to temporarily undertake betting transactions, for a fixed period, at [the] any venue in the Province [of a sporting or other event];”; and

(b) by the substitution for subparagraph (iii) of paragraph (g) of subsection (3) of the following subparagraph:

“(iii) all gaming equipment or each gaming machine or limited payout machine being used, or made available for use, by a licensee, [is registered and certified in terms of the National Gambling Act] conforms with an applicable compulsory specification and has been registered by the Board against the issue of a valid letter of authority certificate.”.

Amendment of section 8 of Act 8 of 2010

4. Section 8 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) The responsible Member of the Executive Council [may] must appoint [an official] one or more officials within the Department responsible for gaming and betting matters generally, and for matters specifically relating to the Board, as his or her [representative] representatives on the Board and who –

- (a) must facilitate liaison between the responsible Member of the Executive Council and the Board;
- (b) must report to the responsible Member of the Executive Council from time to time regarding matters which are considered relevant; and
- (c) may attend meetings of the Board and participate in discussions, but [does] who do not have the right to vote when a decision of the Board is being taken.”.

Amendment of section 9 of Act 8 of 2010

5. Section 9 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) he or she is, at the time of the appointment [, or during the preceding 12

months was] –

(i) a person [contemplated in section 8(1) of the Public Service Act, 1994 (Proclamation No. 103 of 1994); or] who is employed by –

(aa) an "organ of state", as defined in section 239 of the Constitution of the Republic of South Africa, 1996;

(bb) a "public entity" as defined in the Public Finance Management Act, 1999 (Act No. 1 of 1999);

(cc) any provincial Legislature; or

(dd) the National Legislature; or

(ii) a person who is a political office bearer.".

Amendment of section 10 of Act 8 of 2010

6. Section 10 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (3) of the following paragraph:

"(b) an affidavit by the nominee wherein the nominee affirms that he or she is not disqualified in terms of section 9 [: **Provided that if the nominee has been convicted of an offence contemplated in section 9(1)(j), such nominee must furnish an affidavit wherein he or she discloses full details of any conviction and affirms that he or she is not disqualified in terms of any of the other provisions of section 9];**".

Amendment of section 13 of Act 8 of 2010

7. Section 13 of the principal Act is hereby amended by the substitution for section 13 of the following section:

"Term of office and reappointment

13.(1) The persons appointed to the Board hold office for a term of three years and are, subject to section 9, eligible for reappointment at the expiration of such term: **Provided that no person may be reappointed after having served on the Board for two terms[: **Provided, further, that].****

(2) W[w]hen a person is appointed to fill a vacancy on the Board for the remainder of a three year term, such period of service on the Board is not regarded as a term

for the purposes of determining eligibility for re-appointment.

(3) Notwithstanding subsection (1), upon the expiry of a term of office and in the event that a new Board has not been appointed, the existing members must continue to hold office until a new Board is appointed: Provided that this extension must not exceed 90 days."

Amendment of section 14 of Act 8 of 2010

8. Section 14 of the principal Act is hereby amended by –

(a) by the substitution for the section heading of the following section heading:

"Vacancies, removal, suspension, dissolution, [and] resignation from office and filling of vacancies"; and

(b) the insertion after subsection (2) of the following new subsections:

"(2A) The responsible Member of the Executive Council may suspend a member any time after he or she has commenced proceedings to terminate the term of office of such a member in terms of subsection (2).

(2B) The responsible Member of the Executive Council may, after due enquiry, dissolve the Board if it fails in any or all of the following –

(a) discharging of its fiduciary duties; or

(b) carrying out its duties in terms of section 7."

Amendment of section 22 of Act 8 of 2010

9. Section 22 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

"(b) delegate to a committee established in terms of section 18, an employee, or any other person or body, the powers, functions and obligations of the Board contemplated in section 7(1)(f), (1)(h), (1)(j), (1)(k), (1)(l), (1)(n), (2)(a), (2)(f), (2)(g), (2)(i), (2)(j), (2)(l), (2)(m), (2)(n), (2)(o), (2)(p), (2)(q), (2)(r) and (2)(s)."

Amendment of section 23 of Act 8 of 2010

10. Section 23 of the principal Act is hereby amended by the substitution of subsection (1) of the following subsection:

"(1) The Board must, in consultation with the responsible Member of the Executive Council, appoint a suitably qualified, skilled and experienced person as Chief Executive Officer of the Board."

Amendment of section 24 of Act 8 of 2010

11. Section 24 of the principal Act is hereby amended by the insertion after subsection (2) of the following new subsection:

"(3) In circumstances, including dissolution of the Board in terms of subsection 14(2B), in which the Board is unable to validly exercise its powers and perform its functions and duties, the responsible Member of the Executive Council must forthwith appoint, for a maximum period of 180 days, an administrator who is eligible for appointment to the Board in terms of section 8(1) and (2) and who is not disqualified from being appointed to the Board in terms of section 9, to assume and exercise the full powers, functions and duties of the Board, as contemplated in the Act."

Insertion of section 30A in Act 8 of 2010

12. The following new section is hereby inserted in the principal Act after section 30 –

"Conditions of licence and registration

30A. (1) The Board may, after first affording the licence holder or registrant an opportunity to make representations, impose conditions which are –

- (a) clear and unambiguous;**
- (b) objectively measurable; and**
- (c) reasonably achievable,**

upon the issue of any licence or certificate of registration, or upon the renewal of any licence or certificate of registration.

(2) A licensee or registrant may, at any time, apply to the Board for any condition to be amended, substituted or rescinded, whereupon the Board may grant or refuse the application.

(3) Where the application has been granted, the Chief Executive Officer must ensure that the amendment, substitution or rescission is endorsed on the licence or registration certificate.

(4) In addition to –

(a) the specific powers of the Board to impose conditions of licence or registration, as provided for elsewhere in this Act; and

(b) specific compulsory conditions of licence or registration, as provided for elsewhere in this Act,

the Board may impose the types of conditions of licence listed in subsection (5).

(5) Subject to subsection (4) and notwithstanding the Board's general powers to impose non-specific conditions of licence or registration, the Board may not impose conditions of licence or registration which conflict with any provision of this Act, or with any national legislation and which relate to –

(a) the objects of the Board in terms of section 6;

(b) any terms, conditions, directive or determination issued or made by the responsible Member of the Executive Council in terms of sections 6, 47, 89 and 137; or

(c) sanctions imposed by the Board on a licensee or registrant, in circumstances in which the Board has found such licensee or registrant to have contravened this Act.

(6) The Board must impose a condition upon every licence, which condition states that the licence must lapse and may not be renewed, should the licensee fail to begin operating a gambling business in terms of such licence, within 24 months of such licence having first been issued to the licensee: Provided that the Board may, where the licensee has requested such extension and has provided the Board with sufficient motivation and proof to justify approval of the request, extend this 24 month period by a maximum period of a further 12 months.

(7) Notwithstanding subsection (2), the compulsory condition contemplated in subsection (6) may not be amended by the Board.”.

Amendment of section 32 of Act 8 of 2010

13. Section 32 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

"(a) is a person who is –

(i) [a person contemplated in section 8(1) of the Public Service Act, 1994 (Proclamation No. 103 of 1994) or charged with any decision-making or criminal enforcement function pertaining to gambling or the regulation thereof; or] employed by –

(aa) an "organ of state", as defined in section 239 of the Constitution of the Republic of South Africa, 1996;

(bb) a "public entity" as defined in section 1 of the Public Finance Management Act, 1999 (Act No. 1 of 1999);

(cc) any provincial Legislature; or

(dd) the National Legislature;

(ii) a political office bearer; or

(iii) a member of an accounting authority of a public entity as defined in section 1 and contemplated in section 49 of the Public Finance Management Act, 1999 (Act No. 1 of 1999)."

Amendment of section 40 of Act 8 of 2010

14. Section 40 of the principal Act is hereby amended by the substitution for subparagraph (ii) of paragraph (g) of subsection (1) of the following subparagraph:

"(ii) does not comply in all material respects with [a national norm or standard] an applicable compulsory specification or with a norm or standard determined by the Board; or".

Amendment of section 43 of Act 8 of 2010

15. Section 43 of the principal Act is hereby amended –

(a) by the substitution for the section heading of the following section heading:

"Transfer of licence or certificate of registration";

(b) by the substitution for subsection (1) of the following subsection:

"(1) A licensee or a registrant as contemplated in Chapter 10 that is not an employee of a licensee or registrant may, at [any time] least 60 days before the intended date of effect of transfer, make application to the Board for [his or her] such licence or certificate of registration to be transferred to another person and, in such event, the provisions of sections 30, 31, 32, 33, 34, 35, 36, 37 and 38 apply, with the necessary changes, to the person to which or to whom such licence or certificate of registration is to be transferred."; and

(c) by the substitution for subsection (3) of the following subsection:

"(3) When an application is granted, the Chief Executive Officer must [cause the name of the licensee to be altered appropriately on the licence] issue a licence or certificate of registration, as the case may be, to the new holder of such licence or certificate of registration."

Insertion of section 43A in Act 8 of 2010

16. The following new section is hereby inserted in the principal Act after section 43 –

"Financial interests

43A.(1) The Board must monitor licensees and registrants on an ongoing basis so as to minimize the risk that persons acquiring a financial interest in a licensee or registrant are disqualified from holding such interest, by virtue of section 32 of this Act.

(2) A licensee or a registrant must disclose to the Board and within 30 days of such acquisition, in the manner prescribed by the Board, details of any acquisition by any person of a direct or indirect financial interest of ten percent or more in the licensee or registrant, if the acquirer is an institutional investor, a publicly traded investor, a depository institution, a central securities depository, or a public company having listed securities that are traded on any exchange.

(3) Any acquirer of a direct or indirect financial interest in a licensee or registrant of five per cent or more of the business to which the licence or registration relates, must make application for authority to retain such financial interest, by following the procedures and requirements contemplated in sections 32, 33, 34, 35, 36, 37 and 38, which apply to the application, with the necessary changes.

(4) For the purposes of this section –

“exchange”, when used as a noun, means exchange as defined in section 1 of the Financial Markets Act (Act No. 19 of 2012);

“listed securities” means listed securities as defined in section 1 of the Financial Markets Act (Act No. 19 of 2012);

“public company” means a public company as contemplated in section 8 of the Companies Act, 2008 (Act No. 71 of 2008); and

“securities” means securities as defined in section 1 of the Financial Markets Act (Act No. 19 of 2012).”

Amendment of section 44 of Act 8 of 2010

17. Section 44 of the principal Act is hereby amended –

(a) by the substitution for subsection (1) of the following subsection:

“(1) A licensee, or a registrant that is not an employee of a licensee or a registrant, may, at any time, make application for the approval of the relocation [removal], whether permanently or temporarily, of [his or her] the business operations of such licensee or registrant, from the premises specified in the licence or certificate of registration, to other premises.”; and

(b) by the insertion after subsection (3) of the following new subsections:

“(4) The Board must prescribe the procedures to be followed in making application for an approval contemplated in subsection (1).

(5) An application contemplated in subsection (1) must be accompanied by the fee prescribed in Schedule 2.”

Amendment of section 47 of Act 8 of 2010

18. Section 47 of the principal Act is hereby amended –

(a) by the substitution for subsection (2) of the following subsection:

“(2) The responsible Member of the Executive Council must, when issuing a directive in terms of subsection (1), do so in consultation with the Executive Council and after consultation with the Board [, the Portfolio Committee and any portfolio committee appointed by the Provincial Legislature which is responsible for the oversight of departments administering matters involving tourism and economic affairs].”; and

(b) by the substitution for subsection (3) of the following subsection:

“(3) The responsible Member of the Executive Council may, in consultation with the Executive Council and after consultation with the Board [, the portfolio committees referred to in subsection (2)] and any holder of a casino licence issued in terms of section 51 [who] ~~that~~ will be affected by the responsible Member of the Executive Council's decision in terms of this subsection, vary or withdraw any directive issued in terms of this section.”.

Amendment of section 53 of Act 8 of 2010

19. Section 53 of the principal Act is hereby amended by the deletion of subsections (4) and (5).

Repeal of section 54 of Act 8 of 2010

20. Section 54 of the principal Act is hereby deleted.

Amendment of section 55 of Act 8 of 2010

21. Section 55 of the principal Act is hereby amended –

(a) by the substitution for subsection (1) of the following subsection:

“(1) No person may keep premises where gaming machines, electronic bingo terminals or limited payout machines are played unless [he or she] such person is in possession of [a] an appropriate valid [casino] licence [, independent site operator licence or site operator licence] issued in terms of this Act.”; and

(b) by the substitution for subsection (2) of the following subsection:

“(2) No person may [–

(a) make gaming machines or limited payout machines available for use in any licensed premises;
 (b) undertake the regular maintenance or repair, replacement or upgrading of gaming machines or limited payout machines in such premises;] exercise the rights of or
 [(c)] conduct any [other] prescribed activities of a [route operator, unless he or she is in possession of a casino licence, route operator licence, site operator licence or independent site operator] licensee, unless such person holds an appropriate licence issued in terms of this Act.".

Amendment of section 57 of Act 8 of 2010

22. Section 57 of the principal Act is hereby amended by the deletion of subsections (4) and (5).

Amendment of section 59 of Act 8 of 2010

23. Section 59 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

"(a) is of a type and model that does not conform with [a national norm or standard] an applicable compulsory specification or where there is no [national norm or standard] applicable compulsory specification, [does not conform with] a norm [and] or standard determined by the Board in its rules;"

Amendment of section 62 of Act 8 of 2010

24. Section 62 of the principal Act is hereby amended –

(a) by the substitution for paragraph (d) of subsection (1) of the following paragraph:

"(d) [standards and] requirements in relation to the gaming equipment placed, used and operated in a bingo hall;" and

(b) by the deletion of subsections (4) and (5).

Amendment of section 73 of Act 8 of 2010

25. Section 73 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

"(b) all direct expenses incurred by the Board in respect of any investigations undertaken by it in terms of sections 35 and 37, including the costs incurred in respect of the time spent by employees of the Board while conducting the investigation where these appear as a tariff in Schedule 2: Provided that the Board may require an applicant to lodge with it such security, as it may determine, before conducting any investigation contemplated in the said sections."

Amendment of section 77 of Act 8 of 2010

26. Section 77 of the principal Act is hereby amended –

(a) by the substitution for subsection (1) of the following subsection:

"(1) All persons licensed in terms of this Act must [, **subject to section 129,**] pay the taxes imposed in terms of the KwaZulu-Natal Gaming and Betting Tax Act, 2010 (Act No. 9 of 2010), into the Provincial Revenue Fund, in the manner prescribed and at the same time, must lodge a tax return with both the Board and the Provincial Treasury, in the manner prescribed."; and

(b) by the insertion after subsection (2) of the following new subsections:

"(3) The Provincial Treasury must effect any required distribution of a portion of the taxes received, as prescribed by the KwaZulu-Natal Gaming and Betting Tax Act, 2010 (Act No. 9 of 2010), no later than 20 days after the end of every tax period.

(4) The Board must provide the responsible Member of the Executive Council with a detailed report regarding the taxes received and distributed by the Provincial Treasury, in the manner prescribed, no later than 25 days after the end of every tax period.

(5) Taxes become due at the end of every tax period and every licensee must pay the taxes due no later than 10 days after the end of every tax period.

(6) For the purposes of this section, "tax period" means a calendar month."

Amendment of section 78 of Act 8 of 2010

27. Section 78 of the principal Act is hereby amended by the substitution for section 78 of the following section:

"Penalty for late payment

78.(1) On failure to pay any fee or tax or part thereof by the due date, the licence of the person concerned is deemed to be immediately suspended until such time as the fee, tax or levy is paid, together with the prescribed penalty interest.

(2) When a licence is suspended in terms of this section, the activity authorised by the licence must ~~[also be suspended]~~ cease: Provided that cessation of the said activity may only be enforced by the Board 24 hours after a licensee or registrant has been notified by the Board, in writing, of the failure to pay and such licensee or registrant has, thereafter, failed to pay the fee, tax or levy, together with the prescribed penalty interest, prior to the expiry of the 24 hour period.

(3) The prescribed penalty interest must be paid to the Provincial Revenue Fund."

Amendment of section 89 of Act 8 of 2010

28. Section 89 of the principal Act is hereby amended by the substitution for section 89 of the following section –

"Racecourse operators' licences

89.(1) The Board may, on application in the manner prescribed by the Board and subject to the provisions of subsection (3), approve the issue of a racecourse ~~[operator's]~~ operators' licence to any corporate body, or bodies, to hold race meetings on one or more racecourses specified in the licence, which approval may be conditional or unconditional: Provided that, when considering such application, the Board must consider the economic, social development and competition issues contemplated in sections 53 and 54 of the National Gambling Act.

(2) ~~[The]~~ A corporate body in subsection (1) must have as one of its objects the

promotion and conduct of horse racing.

- (3) **[The] A** licence approved in terms of subsection (1), may not be issued –
- (a) unless the Board is satisfied that due provision will be made for the conduct and control of horse racing and betting on the said racecourse or racecourses in a manner which will facilitate the realisation of the objects of the Board contemplated in section 6(1)(a), (c), (d), (e) and (f);
 - (b) if, subject to the provisions of section 133, any director, member or any shareholder with an interest, including a financial interest, of five percent or more in **[the] a** corporate body is or becomes subject to a disqualification contemplated in section 32; and
 - (c) unless the Board has consulted with the National Horseracing Authority and has obtained from it written evidence that the racecourse or racecourses to be specified in the licence comply with the rules and any other requirements of the said authority.
- (4) **[The] An** application contemplated in subsection (1) must be accompanied by the applicant's articles of association, the application and investigation fees prescribed in Schedule 2, which fees are payable to the Board.
- (5) **[The] A** licence issued in terms of subsection (1) must specify:
- (a) the identity of the licensee;
 - (b) the activities that **[the] a** licence permits the licensee to engage in, conduct or make available to the public;
 - (c) the racecourses at or from which the licensee is permitted to operate; and
 - (d) the duration of the licence.
- (6) The Board may cancel or suspend, for a specified period, a racecourse operator's licence if any of the operator's office-holders or employees have contravened or are on reasonable grounds suspected of having contravened this Act, the KwaZulu-Natal Gaming and Betting Tax Act, 2010, the regulations, or the conditions of such licence.
- (7) The Board may grant a non-transferable right to a bookmaker to operate a

bookmaking business from any single racecourse specified in a racecourse operator's licence, subject to the consent of the relevant racecourse operator, which consent may not be unreasonably withheld.

(8)(a) All thoroughbred horse race meetings held on a racecourse or racecourses specified in a racecourse operator's licence must be conducted under and in terms of the constitution, rules and regulations of the National Horseracing Authority.

(b) Standardbred and harness racing horse race meetings held on a racecourse or racecourses specified in a racecourse operator's licence must be conducted under and in terms of the rules contemplated in paragraph (c) applicable to such horseracing codes.

(c) A racecourse operator must –

- (i) within three months of having been issued a racecourse operator's licence, submit the rules according to which the racecourse operator intends to conduct horse race meetings to the Board for approval; and
- (ii) submit any proposed amendments to existing approved rules to conduct horse race meetings to the Board for approval before implementing the proposed amendments.

(9) A racecourse operator must annually, not later than six months after the end of its financial year, provide the Board with a copy of the audited financial statement of such racecourse operator, in respect of the activities of such racecourse operator for the financial year in question, in which audited financial statements the distributions referred to in section 132(b) are separately identified together with the expenditure related thereto: Provided that the Board may, on application to it by a racecourse operator, extend the period by no more than six months."

Repeal of section 90 of Act 8 of 2010

29. Section 90 of the principal Act is hereby deleted.

Amendment of section 91 of Act 8 of 2010

30. Section 91 of the principal Act is hereby amended by the substitution for subsection

(1) of the following subsection:

"(1) Unless renewed in terms of subsection (2), the licence issued in terms of section 89(1) expires on the thirty-first day of ~~[December]~~ March of the financial year of the Board in respect of which ~~[it]~~ such licence was issued or renewed; Provided that, for the purposes of this section, the financial year of the Board is the period 1 April to 31 March.".

Amendment of section 94 of Act 8 of 2010

31. Section 94 of the principal Act is hereby amended –

(a) by the substitution for subsection (4) of the following subsection:

"(4) A bookmaker's licence may be issued to a single natural person, ~~to two or more natural persons who operate the business in terms of a partnership agreement,~~ or to a single corporate body."; and

(b) by the substitution for subsection (7) of the following subsection:

"(7) Unless cancelled earlier in terms of section 99, a bookmaker's licence expires on the thirty-first day of ~~[December]~~ March of the financial year of the Board ~~[for]~~ in respect of which ~~[it]~~ such licence was issued ~~[but may be]~~ or renewed, [in the manner prescribed by the Board, from year to year in the discretion of the Board and] on payment of the licence renewal fee prescribed in Schedule 2; Provided that, for the purposes of this section, the financial year of the Board is the period 1 April to 31 March.".

Repeal of section 97 of Act 8 of 2010

32. Section 97 of the principal Act is hereby deleted.

Repeal of section 98 of Act 8 of 2010

33. Section 98 of the principal Act is hereby deleted.

Repeal of section 106 of Act 8 of 2010

34. Section 106 of the principal Act is hereby deleted.

Amendment of section 110 of Act 8 of 2010

35. Section 110 of the principal Act is hereby amended –

(a) by the substitution for subsection (1) of the following subsection:

"(1) The Board may, on application in the manner determined by it, issue a licence, with or without conditions, to a racecourse operator to conduct a totalisator on a –

(a) [a racecourse operator to conduct a totalisator on a] thoroughbred horse race, sporting event or an other event or contingency; [and]

(b) [a person other than a standardbred racecourse operator to conduct a totalisator on a sporting event or other event or contingency, which licence may be issued conditionally or unconditionally] standardbred horse race[.]; and

(c) harness racing horse race."; and

(b) by the substitution for subsection (4) of the following subsection:

"(4) A totalisator licence, unless cancelled earlier in terms of section 112, expires on the thirty-first day of [December] March of the financial year of the Board [for] in respect of which [it] such licence was issued [but may be] or renewed, [in the manner prescribed by the Board, from year to year in the discretion of the Board and on] but is renewable upon application made in the manner prescribed and upon payment of the licence renewal fee prescribed in Schedule 2."

Amendment of section 111 of Act 8 of 2010

36. Section 111 of the principal Act is hereby amended by the insertion after subsection

(5) of the following new subsection:

"(6) A person is required to be registered as a totalisator manager if he or she –

(a) individually, or as part of a group, formulates operational policy;

(b) exercises direct control over the activities authorised by the totalisator licence;

(c) prepares prescribed tax returns or statements;

- (d) has the authority to grant credit to a bettor; or
(e) has the authority to deal with bettor disputes or complaints.”.

Amendment of section 119 of Act 8 of 2010

37. Section 119 of the principal Act is hereby amended by the substitution for paragraph (c) of the following subparagraph:

“(c) at such other venue authorised in terms of section 121 **[or as provided in the Board’s rules]**.”.

Amendment of section 120 of Act 8 of 2010

38. Section 120 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) A person licensed in terms of section 94 or 110 must obtain the Board’s approval for all licensed premises **[to be used for the operation of a bookmaking business, totalisator, totalisator branch or totalisator agency, as the case may be, which approval may be granted with or without conditions]**.”.

Amendment of section 121 of Act 8 of 2010

39. Section 121 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) A person licensed in terms of section 94 or 110 may make application to the Board, in the manner determined by the Board, for authority to **[undertake betting transactions]** temporarily transact bets, for a fixed period, at any venue, in addition to the licensed premises, which application the Board may refuse or grant, with or without conditions.”.

Amendment of section 123 of Act 8 of 2010

40. Section 123 of the principal Act is hereby amended –

(a) by the substitution for subsection (1) of the following subsection:

“(1) A person licensed in terms of section 94 or 110 may not utilise for the purpose of recording bets and betting transactions, any computerised record keeping system or any amendment to an approved computerised record keeping system, unless such system or amendment thereto [has been approved by the Board and certified by the SABS] conforms with an applicable compulsory specification and the Board has separately approved and registered such computerised record keeping system, or amendment thereto, against a letter of authority certificate, or, where there is no applicable compulsory specification, such computerised record keeping system conforms with a norm or standard for computerised record keeping systems, as determined by the Board.”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) Any person [who] that wishes to develop, manufacture or amend a computerised record keeping system, or supply a computerised record keeping system [or any amendment to an approved computerised record keeping system] to a person licensed in terms of [this] section 94 or 110, must apply to the Board, in the manner prescribed by the Board, for approval and registration of such system or amendment thereto and such application must be accompanied by the relevant application and investigation fees prescribed in Schedule 2, which fees are payable to the Board.”;

(c) by the substitution for subsection (3) of the following subsection:

“(3) The Board may –

- (a) approve, conditionally or unconditionally, or reject a computerised record keeping system or an amendment thereto; or
- (b) refer an application back to the manufacturer or supplier thereof for the submission of further information.”;

(d) by the substitution for subsection (4) of the following subsection:

“(4) The Board may require a person licensed in terms of section 94 or 110 to [connect to] establish electronic communications between such monitoring system as the Board may determine and the approved computerised record keeping system utilised by such person.”; and

(e) by the insertion after subsection (4) of the following subsections:

“(5) The Board must maintain an up-to-date register, which must be

accessible, by electronic means, to every licenced bookmaker.

(6) The register contemplated in subsection (5) must specify, in respect of each computerised record keeping system approved by the Board –

(a) the identifying number of the currently approved version; and

(b) the date of approval of such version.”.

Amendment of section 124 of Act 8 of 2010

41. Section 124 of the principal Act is hereby amended by the substitution for section 124 of the following section:

“Betting with bookmaker, manager and totalisator

124. Any person, other than a person appointed as an inspector in terms of section 81 or a member or employee of the Board, who is 18 years of age or older may bet with a bookmaker, manager, totalisator licensee, totalisator operator, totalisator manager or totalisator agent on any horse race, sporting event or any other event or contingency: Provided that such bets are transacted in terms of this Act and provided, further, that regardless of the location of the bettor when the bet is transacted, the bet is deemed to have been transacted at the licensed premises of the relevant bookmaker, manager, totalisator licensee, totalisator operator, totalisator manager or totalisator agent.”.

Amendment of section 125 of Act 8 of 2010

42. Section 125 of the principal Act is hereby amended by the substitution for section 125 of the following section:

“Vicarious responsibility

125. A totalisator licensee or bookmaker, in relation to the activities authorised by the relevant licence, is vicariously responsible for the acts and omissions of the employees of such totalisator licensee or bookmaker.”.

Amendment of section 128 of Act 8 of 2010

43. Section 128 of the principal Act is hereby amended by the substitution for subsection

(1) of the following subsection:

"(1) A bookmaking business must deduct from the amount won by a bettor, exclusive of the amount staked by the bettor, the taxes and deductions determined in terms of the KwaZulu-Natal Gaming and Betting Tax Act, 2010, and must pay such monies **[to] into the [Board] Provincial Revenue Fund** in accordance with the provisions of section **[129] 77.**"

Amendment of section 129 of Act 8 of 2010

44. Section 129 of the principal Act is hereby amended –

(a) by the substitution for subsection (1) of the following subsection:

"(1) Every bookmaker must, within 10 days after the end of every month –

(a) pay **[to] into the [Board] Provincial Revenue Fund**, all monies that were deducted from bettors in terms of section 128(1) **[and] as well as** the betting taxes and deductions determined in terms of the KwaZulu-Natal Gaming and Betting Act, 2010; and

(b) lodge, **in accordance with section 77, [with] the [Board]** tax returns in the form determined in terms of section 7(2)(k)."; and

(b) by the deletion of subsection (3).

Amendment of section 131 of Act 8 of 2010

45. Section 131 of the principal Act is hereby amended by the substitution for section 131 of the following section:

"Totalisator operator's returns and payment of taxes and deductions

131. Every totalisator licensee must **[, within 10 days after the end of every month,]** lodge, **in accordance with section 77, [with the Board]** a tax return in the form prescribed in terms of section 7(2)(k) and, at the same time, pay **[to] into the [Board] Provincial Revenue Fund [in the manner prescribed or determined by the Board,]** the relevant taxes, according to the information contained in the relevant tax return."

Repeal of section 132 of Act 8 of 2010

46. Section 132 of the principal Act is hereby deleted.

Amendment of section 134 of Act 8 of 2010

47. Section 134 of the principal Act is hereby amended by the substitution for section 134 of the following section:

“Costs of investigation

134. Where the Board undertakes an investigation to determine the suitability of an applicant for the granting of any licence, registration or authority required under Chapter 13, 14, 15 or 16, or for approval of a computerised record keeping system, the applicant must pay to the Board the amount calculated by the Board to be the **[actual]** cost to the Board of undertaking such investigation including the costs incurred in respect of the time spent by employees of the Board while conducting the investigation where these appear as a tariff in Schedule 2.”.

Amendment of section 137 of Act 8 of 2010

48. Section 137 of the principal Act is hereby amended –

(a) by the substitution for subsection (1) of the following subsection:

“[Horse Racing and Betting] Transformation Fund

137.(1) There is hereby established a fund to be known as the **[Horse Racing and Betting] Transformation Fund.**”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) Any funds intended for the development of sport and held in trust by the committee established in terms of section 21A of the Regulation of Racing and Betting Ordinance, 1957 (Ordinance No. 28 of 1957), must, on the day on which this Act comes into operation, be paid into the **[Horse Racing and Betting] Transformation Fund** established under this section.”;

(c) by the substitution for subsection (3) of the following subsection:

“(3) The responsible Member of the Executive Council may, out of monies appropriated by the Provincial Legislature for that purpose and subject to such terms and conditions as he or she may impose, make grants to the **[Horse Racing and Betting] Transformation Fund.**”;

(d) by the substitution for subsection (4) of the following subsection:

"(4) The assets of the **[Horse Racing and Betting]** Transformation Fund must, subject to the prior approval of the responsible Member of the Executive Council, be utilized for the purposes of realising the objects of the Board contemplated in section 6 (1) (c), (d) and (e).";

(e) by the substitution for subsection (5) of the following subsection:

"(5) The Board must open and maintain a separate banking or savings account at a banking institution in the Province and must deposit therein all monies accruing to the **[Horse Racing and Betting]** Transformation Fund from any source.";

(f) by the substitution for subsection (6) of the following subsection:

"(6) The interest on monies deposited in terms of subsections (3) and (4) must accrue to the **[Horse Racing and Betting]** Transformation Fund.";

(g) by the substitution for subsection (7) of the following subsection:

"(7) The Board must keep separate and proper accounting records in respect of the **[Horse Racing and Betting]** Transformation Fund, containing particulars of any money or interest on money received and any money paid.";

(h) by the substitution for subsection (8) of the following subsection:

"(8) No amount standing to the credit of the **[Horse Racing and Betting]** Transformation Fund forms part of the assets of the Board or may be attached on behalf of a creditor or creditors of the Board."; and

(i) by the substitution for subsection (9) of the following subsection:

"(9) The accounting and other related records of the **[Horse Racing and Betting]** Transformation Fund must, at the expense of the Board, be audited by the Auditor-General.".

Amendment of section 146 of Act 8 of 2010

49. Section 146 of the principal Act is hereby amended –

(a) by the substitution for paragraph (s) of the following paragraph:

"(s) the regulation and control of amusement machines, as contemplated in the National Gambling Act; **[and]**";

(b) by the substitution for paragraph (t) of the following paragraph:

"(t) any other matter which is necessary in order to give effect to the objects

and purposes of this Act and the KwaZulu-Natal Gaming and Betting Tax Act, 2010 (Act No. 9 of 2010)[.]; and

(c) by the insertion after paragraph (t) of the following paragraphs:

"(u) the maximum number of any type of licence that may be issued by the Board; and

(v) limitations on the proximity of any one type of gaming or betting outlet to the same or any other type of gaming or betting outlet."

Short title

50. This Act is called the KwaZulu-Natal Gaming and Betting Amendment Act, 2017.

KENNISGEWING 6 VAN 2017

[Engelse teks deur die Premier geteken]

**KWAZULU-NATAL
WYSIGINGSWET OP DOBBELARY EN WEDDERY, 2017
(No. 04 van 2017)**

Goedgekeur op 03-10-2017

WET

Om die KwaZulu-Natal Wet op Dobbelary en Weddery, 2010, te wysig, om sodoende tekstuele wysigings te bewerkstellig; om nuwe omskrywings en nuwe bepalings in te voeg; en om vir aangeleenthede wat daarmee verband hou voorsiening te maak.

DAAR WORD soos volg deur die Provinsiale Wetgewer van die Provinsie van KwaZulu-Natal bepaal:-

Wysiging van artikel 1 van Wet 8 van 2010

1. Artikel 1 van die KwaZulu-Natal Wet op Dobbelaar en Weddery, 2010 (Wet No. 8 van 2010), hierna verwys na as die Hoofwet, word hiermee gewysig –

(a) deur die invoeging na die omskrywing van “**ander gebeurtenis of gebeurlikheid**” van:

“**assessering van nakoming**” assessering van nakoming soos omskryf in artikel 1 van die Wet op Die Nasionale Reguleerder vir Verpligte Spesifikasies, 2008 (Wet No. 5 van 2008);

“**assessering van nakoming diensverskaffer**” ’n persoon wat nakomingsassesserings onderneem namens die Nasionale Reguleerder vir Verpligte Spesifikasies, ingevolge ’n ooreenkoms aangegaan deur sodanige persoon en die Nasionale Reguleerder vir Verpligte Spesifikasies;”;

(b) deur die vervanging van die omskrywing van “beroepswedder” deur die volgende omskrywing:

“**beroepswedder**” ’n persoon [wat] ingevolge artikel 94 gelisensieer [is] om aanbiedinge of wedgeld te aanvaar by die proses van die aangaan van weddenskappe op perdewedrenne, sport, sportgebeurtenisse of enige ander gebeurtenisse of gebeurlikhede, of op ’n kombinasie van sodanige perdewedrenne, sport, sportgebeurtenisse, ander gebeurtenisse of gebeurlikhede;”;

(c) deur die vervanging van die omskrywing van “bingo” deur die volgende omskrywing:

“**bingo**” ’n spel, [wat as ’n groepsaktiwiteit gereël word, waarin verskeie spelers teen mekaar wedywer, met inbegrip van ’n spel wat] hetsy volkome, of gedeeltelik **gespeel** volgens elektroniese metodes[, **tradisionele metodes**] of andersins –

(a) vir vergoeding [**gespeel word**], deur kaarte of ander toestelle te gebruik, ingesluit toestelle wat kaarte voorstel –

(i) wat in ruimtes verdeel word wat elk oor ’n ander nommer, prentjie of simbool beskik; en

(ii) [**met**] sodanige nommers, prentjies of simbole wat willekeurig gerangskik is sodat elke kaart of [**soortgelyke**] toestel ’n unieke stel nommers, prentjies of simbole bevat;

(b) waartydens [n **operateur of aankondiger**] h reeks nommers, prentjies of simbole in 'n willekeurige volgorde uitgeroep of vertoon word en [die spelers elke sodanige nommer, prentjie of simbool] sodanige nommers, prentjies of simbole vergelyk word op die kaart of toestel [vir ooreenstemming vergelyk terwyl] soos dit uitgeroep of vertoon word; en

(c) waartydens die speler wie se [ruimtes op die] kaart of toestel die eerste is waarop al die ruimtes ooreenstem, of op wie se kaart of toestel h spesifieke stel nommers, prentjies of simbole [op die kaart of toestel] ooreenstem, h prys of pryse wen,

of enige ander soortgelyke spel wat as bingo verklaar is in ooreenstemming met artikel 6(4)(b) van die Nasionale Dobbeltwet, 2004 (Wet No. 7 van 2004);”;

[(d) deur die invoeging na die omskrywing van “bingolisensie” van die volgende omskrywing:

“bingositplek” beteken een dobbelposisie in 'n bingosaal, wat nie 'n dobbelposisie is nie, verbind aan 'n elektroniese bingoterminal;”;

[(e)](d) deur die invoeging na die omskrywing van “dobbeltjurisdiksie” van die volgende omskrywing:

“dobbelposisie” beteken –

(a) h dobbelmasjien ontwerp vir gebruik deur h enkel natuurlike persoon;

(b) h dobbelmasjienkomponent ontwerp vir gebruik deur meer as een natuurlike persoon, wat deelname aan dobbel deur h enkel natuurlike persoon fasiliteer;

(c) h dobbeltoerustingskomponent wat deelname aan dobbel deur h enkel natuurlike persoon fasiliteer; of

(d) h sit- of staanplek op h gelisensieerde perseel wat deelname aan dobbel deur h enkel natuurlike persoon fasiliteer;”;

[(f)](e) deur die vervanging van die omskrywing van “finansiële belang” deur die volgende omskrywing:

“finansiële belang” –

(a) h reg of aanspraak om in winste of inkomste te deel;

[(b) 'n saaklike reg ten opsigte van eiendom van h maatskappy, korporasie of besigheid;] of

[(c)](b) 'n saaklike of persoonlike reg in eiendom wat deur 'n maatskappy, korporasie of besigheid gebruik word; [of]

[(d) 'n regstreekse of onregstreekse belang in die stemdraende aandele, of stemreg gekoppel aan aandele, van 'n maatskappy, of 'n belang in 'n beslote korporasie;] en

[(e)](c) sluit nie in nie –

(i) 'n onregstreekse belang gehou in enige fonds of belegging, indien die persoon wat daardie belang hou geen beheer het oor die beleggingsbesluite, ten opsigte van daardie fonds of belegging, wat gemaak word nie; of

(ii) enige aanspraak op inkomste opgeloop tot 'n persoon ingevolge 'n kontrak vir die verskaffing van goedere of dienste aan 'n lisensiehouer of geregistreerde;”;

[(g)](f) deur die vervanging van die omskrywing van “geregistreerde” deur die volgende omskrywing:

“**geregistreerde**” 'n persoon wat 'n geldige registrasiesertifikaat of tydelike registrasiesertifikaat hou wat ingevolge hierdie Wet uitgereik is;”;

[(h)](g) deur die vervanging van die omskrywing van “korporatiewe liggaam” deur die volgende omskrywing:

“**korporatiewe liggaam**” 'n maatskappy wat ingevolge die Maatskappywet, [1973] 2008 (Wet No. [61] 71 van [1973] 2008), geregistreer is, 'n vennootskap [, of wat ingevolge die Ordonnansie op die Regulering van Wedrenne en Weddery, 1957 (Ordonnansie No. 28 van 1957) tot stand gekom het,] of 'n beslote korporasie wat ingevolge die Wet op Beslote Korporasies, 1984 (Wet No. 69 van 1984) geregistreer is;”;

[(i)](h) deur die invoeging na die omskrywing van “lisensiehouer” van die volgende omskrywing:

“**magtigingsbrief-sertifikaat**” 'n sertifikaat uitgereik deur die Nasionale Reguleerder vir Verpligte Spesifikasies, soos bedoel in artikel 5(2)(f) van die Wet op die Nasionale Reguleerder vir Verpligte Spesifikasies, 2008 (Wet No. 5 van 2008), wat toelaat dat handelsware en produkte verkoop word of dienste verskaf word;”;

[(j) deur die skapping van die omskrywing van “Nasionale Perdewedrenowerheid”;]

[(k)](i) deur die invoeging na die omskrywing van “magtigingsbrief-sertifikaat” van

die volgende omskrywing:

“NRVS” die Nasionale Reguleerder vir Verpligte Spesifikasies van Suid-Afrika ingestel deur artikel 3(1) van die Wet op die Nasionale Reguleerder vir Verpligte Spesifikasies, 2008 (Wet No. 5 van 2008);;

[(l)](i) deur die vervanging van die omskrywing van “onafhanklike perseeloperateur” deur die volgende omskrywing:

“onafhanklike perseeloperateur” ’n perseeloperateur wat nie aan ’n roeteoperateur gekoppel is nie en wat gelisensieer is om beperkte uitbetaalmasjiene op ’n [enkel]perseel te [besit en] bedryf [en verantwoordelik is vir instandhouding van die masjiene, insameling van gelde en betaling van die toepaslike belasting en heffings] ;;

[(m)](k) deur die skraping van die omskrywing “Perdewedren- en Weddenskaptransformasiefonds”;

[(n)](l) deur die vervanging van die omskrywing van “perseeloperateur” deur die volgende omskrywing:

“perseeloperateur” ’n persoon wat gemagtig is om beperkte uitbetaalmasjiene [op sy of haar perseel] aan te hou en te bedryf ingevolge ’n lisensie wat ooreenkomstig hierdie Wet uitgereik is;;

[(o)](m) deur die vervanging van die omskrywing van “persoon” deur die volgende omskrywing:

“persoon” ’n natuurlike [of regs] persoon [, ’n groep van sodanige persone] of ’n korporatiewe liggaam, tensy die samehang ’n ander bedoeling aandui;;

[(p)](n) deur die vervanging van die omskrywing van “publiseer” deur die volgende omskrywing:

“publiseer” ook, tensy die samehang ’n teenstrydige bedoeling aandui, om te vertoon, te sirkuleer, aan te kondig of te laat vertoon of sirkuleer of aankondig op enige wyse hoegenaamd;;

[(q)](o) deur die vervanging van die omskrywing van “renbaanoperateur” deur die volgende omskrywing:

“renbaanoperateur” ’n korporatiewe liggaam, of liggame, wat ingevolge artikel 89 gelisensieer is om wedrenbyeenkomste by een of meer renbane te hou [en is ’n term wat verwys na die drie tipes renbaanoperateurs bedoel in artikel 89(1) van die Wet, synde –

(a) die operateur van ’n eksklusiewe reg-renbaan soos bedoel in

artikel 89(1)(a);

(b) die operateur van 'n standaardgeteelde renbaan soos bedoel in artikel 89(1)9(b); en

(c) die operateur van 'n tuiqwedren-renbaan soos bedoel in artikel 89(1)(c);”];

[(r)](p) deur die vervanging van die omskrywing van “roete-operateur” deur die volgende omskrywing:

“”roete-operateur” ’n persoon wat ingevolge hierdie Wet gelisensieer is om beperkte uitbetaalmasjiene aan perseeloperateurs te verskaf en om ander voorgeskrewe aktiwiteite te onderneem;”;

[(s)](q) deur die invoeging na die omskrywing van “SABS” van die volgende omskrywing:

“”SANS” ’n Suid-Afrikaanse Nasionale Standaard goedgekeur deur die Suid-Afrikaanse Buro vir Standaarde in ooreenstemming met die Standaardwet, 2008 (Wet No. 8 van 2008);”;

[(t)](r) deur die invoeging na die omskrywing van “sportweddenskap” van die volgende omskrywings:

“”standaardgeteelde perd” ’n perd wat ’n afstammeling is van die perd bekend as Rysdyk’s Hambletonian, wat in 1849 in die Verenigde State van Amerika gevul is en wat beskou word as die stamvader-dekhings van die ras;”;

“”standaardgeteelde perdewedren” ’n tuiqwedren-perdewedren, anders as ’n tuiqwedren-perdewedren waarin slegs standaardgeteelde perde kan meeding, gery deur ’n natuurlike persoon, teen ’n galop, ’n drafstap of ’n pas: Met dien verstande dat ’n perdewedren waarin enige ander perderas meeding teen ’n galop, ’n drafstap of ’n pas by ’n renbaan wat bedryf word deur ’n gelisensieerde operateur van ’n standaardgeteelde renbaan, beskou word as ’n standaardgeteelde perdewedren vir die doeleindes van hierdie Wet;”;

“”sulky” wanneer gebruik word as ’n selfstandige naamwoord, ’n tweewielkarretjie, met ’n enkel sitplek vir die drywer, wat getrek word deur ’n standaardgeteelde perd in ’n tuiq-perdewedren;”;

[(u)](s) deur die vervanging van die omskrywing van "totalisatoragent" deur die volgende omskrywing:

"totalisatoragent" 'n persoon wat kragtens kontraktuele bepalings wat nie 'n indiensnemingskontrak uitmaak nie en, ingevolge artikel 111(1)(b)(ii), deur 'n totalisatorlisensiehouer aangestel word om 'n agentskap van [die betrokke] daardie totalisatorlisensiehouer [te bestuur en] te bedryf;

[(v)](t) deur die invoeging na die omskrywing van "totalisatoragent" van die volgende omskrywing:

"totalisatoragentskap" totalisatorperseel vanwaar 'n totalisatoragent 'n agentskap van 'n totalisator bedryf, ingevolge 'n ooreenkoms tussen 'n totalisatorgelisensieerde en sodanige totalisatoragent;

[(w)](u) deur die invoeging na die omskrywing van "totalisatorperseel" van die volgende omskrywing:

"Transformasiefonds" die fonds ingestel ingevolge artikel 137 van die Wet;

[(x)](v) deur die invoeging na die omskrywing van "totalisatorperseel" van die volgende omskrywing:

"tuigwedren-perdewedren" 'n perdewedren waaraan slegs standaardgeteelde perde kan deelneem, op 'n drafstap of pas, hetsy gery onder die saal deur 'n natuurlike persoon, of gedryf deur 'n drywer op 'n "sulky" wat deur die perd getrek word: Met dien verstande dat 'n perdewedren waarin enige ander perderas meeding op 'n galop, drafstap, of pas, by 'n renbaan bedryf deur 'n gelisensieerde tuigwedren-perdewedren-renbaanoperator, beskou word as 'n tuigwedren-perdewedren vir die doeleindes van hierdie Wet; en

[(y)](w) deur die invoeging na die omskrywing van "vergoeding" van die volgende omskrywings:

"verpligte spesifikasie" 'n verpligte spesifikasie soos omskryf in artikel 1 van die Wet op die Nasionale Reguleerder vir Verpligte Spesifikasies, 2008 (Wet No. 5 van 2008);

"volbloedperd" 'n perd wat afstam van een van die drie perde wat bekendstaan as die Byerley Turk, die Darley Arabian en die Godolphin Arabian;

“volbloedperdewedren” ’n perdewedren waarin slegs ’n volbloedperd, gery deur ’n natuurlike persoon, mag meeding.”.

Wysiging van artikel 6 van Wet 8 van 2010

2. Artikel 6 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van paragraaf (c) van subartikel (1) deur die volgende paragraaf:

“(c) geleenthede te bevorder vir [voorheen benadeelde] persone bedoel in die omskrywing van “breedgebaseerde swart ekonomiese bemagtiging”, soos vervat in die Wet op die Breedgebaseerde Swart Ekonomiese Bemagtiging, 2003 (Wet No. 53 van 2003), om deel te neem in die [perdewedren- en weddenskapbedryf] dobbelbedryf van die Provinsie in die hoedanigheid van [enige van die persone vereis om gelisensieer of geregistreer te word ingevolge artikel 89, 94, 103, 110 of 111] lisensiehouers of geregistreerdes, kragtens die Wet;”;

(b) deur die vervanging van paragraaf (d) van subartikel (1) deur die volgende paragraaf:

“(d) die eienaarsbelang van [voorheen benadeelde] persone bedoel in die omskrywing van “breedgebaseerde swart ekonomiese bemagtiging”, soos vervat in die Wet op die Breedgebaseerde Swart Ekonomiese Bemagtiging, 2003 in die [perdewedren- en weddenskapbedryf] dobbelbedryf van die Provinsie te verhoog;”;

(c) deur die skraping van subartikel (2)[;]. [en

(d) deur die invoeging na subartikel (3) van die volgende subartikel:

“(4) Die verantwoordelike Lid van die Uitvoerende Raad kan bevele met betrekking tot die volgende aangeleenthede aan die Raad rig ten opsigte van –

(a) enige werklike of beoogde dobbelverwante beleidsverandering afkomstig vanaf die nasionale regeringsvlak;

(b) enige werklike of beoogde dobbelverwante beleidsverandering afkomstig vanaf die Uitvoerende Raad of die Departement,

ten einde enige projek of hofaksie te wysig, ophef of staak.”.]

Wysiging van artikel 7 van Wet 8 van 2010**3. Artikel 7 van die Hoofwet word hiermee gewysig –**

(a) deur die vervanging van paragraaf (q) van subartikel (2) deur die volgende paragraaf:

“(q) ’n persoon wat kragtens artikel [89,] 94 of 110 gelisensieer is, [ingevolge artikel 121] magtig, met of sonder voorwaardes, of ’n aansoek, gemaak soos voorgeskryf, om tydelik wedtransaksies vir ’n vasgestelde tydperk by [die] enige plek in die Provinsie [van ’n sport- of ander gebeurtenis] te onderneem, weier;” en

(b) deur die vervanging van subparagraaf (iii) van paragraaf (g) van subartikel (3) deur die volgende paragraaf:

“(iii) alle casinodobbeltouersting of elke casinodobbeltouersting of beperkte uitbetaaltouersting wat gebruik word, of vir gebruik beskikbaar gestel word, deur [middel van] ’n lisensiehouer [geregistreer en gesertifiseer is ingevolge die Nasionale Dobbelwet] voldoen aan ’n toepaslike verpligte spesifikasie en deur die Raad geregistreer is by die uitreiking van ’n geldige magtigingsbrief-sertifikaat.”.

Wysiging van artikel 8 van Wet 8 van 2010**4. Artikel 8 van die Hoofwet word hiermee gewysig deur die vervanging van subartikel**

(4) deur die volgende subartikel:

“(4) Die verantwoordelike Lid van die Uitvoerende Raad [kan] moet [’n amptenaar] een of meer amptenare binne [van] die Departement verantwoordelik vir dobbelary- en wedderyaangeleenthede in die algemeen en vir aangeleenthede wat uitdruklik betrekking het op die Raad, as sy of haar [verteenwoordiger] verteenwoordigers op die Raad aanstel wat –

(a) skakeling tussen die verantwoordelike Lid van die Uitvoerende Raad en die Raad moet fasiliteer;

(b) van tyd tot tyd aan die verantwoordelike Lid van die Uitvoerende Raad moet rapporteer oor aangeleenthede wat hy of sy as toepaslik beskou;

(c) vergaderings van die Raad mag bywoon en aan besprekings deelneem, maar wie nie oor stemreg beskik wanneer die Raad ’n besluit neem nie[;]. [en

(d) die Raad se werkverrigting moet monitor.”]

Wysiging van artikel 9 van Wet 8 van 2010

5. Artikel 9 van die Hoofwet word hiermee gewysig deur die vervanging van paragraaf (c) van subartikel (1) deur die volgende paragraaf:

“(c) hy of sy, ten tyde van die aanstelling [, **of gedurende die voorafgaande twaalf maande**] –

(i) ’n persoon is [bedoel in artikel 8(1) van die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994) **is of was**] wat in diens geneem is deur –

(aa) ’n “staatsorgaan”, soos omskryf in artikel 239 van die Grondwet van die Republiek van Suid-Afrika, 1996;

(bb) ’n “openbare entiteit” soos omskryf in die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999);

[(cc) ’n politieke party;]

[(dd)](cc) enige provinsiale Wetgewer; of

[(ee)](dd) die Nasionale Wetgewer; of

(ii) ’n persoon wat ’n amptelike ampsbekleër is [of was].”.

Wysiging van artikel 10 van Wet 8 van 2010

6. Artikel 10 van die Hoofwet word hiermee gewysig deur die vervanging van paragraaf (b) van subartikel (3) deur die volgende paragraaf:

“(b) ’n beëdigde verklaring deur die benoemde waarin die benoemde bevestig dat hy of sy nie ingevolge artikel 9 onbevoeg is nie[: **Met dien verstande dat indien die benoemde weens ’n misdryf skuldig bevind is soos bedoel in artikel 9(1)(j), sodanige benoemde ’n beëdigde verklaring moet voorsien waarin hy of sy volle besonderhede van enige skuldigbevinding bekend moet maak en bevestig dat hy of sy nie ingevolge enige ander van die bepalings van artikel 9 onbevoeg is nie**].”.

Wysiging van artikel 13 van Wet van 2010

7. Artikel 13 van die Hoofwet word hiermee geskrap en met die volgende artikel vervang:

“Ampstermyn en heraanstelling

13.(1) Die persone wat in die Raad aangestel is beklee hul amp vir ’n tydperk van

drie jaar en is, behoudens artikel 9, herverkiesbaar by verstryking van sodanige termyn: Met dien verstande dat geen persoon heraangestel kan word nadat 'n tydperk van twee ampstermyne op die Raad gedien is nie.

(2) Wanneer 'n persoon aangestel word om 'n vakature op die Raad vir die oorblywende tydperk van 'n termyn van drie jaar te vul, word sodanige dienstydperk op die Raad nie beskou as 'n termyn, vir die doeleindes van die bepaling van bevoegdheid vir heraanstelling, nie.

(3) Nieteenstaande subartikel (1), by die verstryking van 'n ampstermyne, en sou dit gebeur dat 'n nuwe Raad nog nie aangestel is nie, moet die bestaande lede voortgaan om hul amp te beklee totdat 'n nuwe Raad aangestel is: Met dien verstande dat hierdie verlenging nie 90 dae moet oorskry nie."

Wysiging van artikel 14 van Wet van 2010

8. Artikel 14 van die Hoofwet word hiermee gewysig deur –

(a) die vervanging van die artikelopskrif deur die volgende artikelopskrif:

"Vakatures, ontslag, skorsing, beëindiging, bedanking uit amp en vul van vakatures"; en

(b) die invoeging van die volgende nuwe subartikels na subartikel (2):

(2A) Die verantwoordelike lid van die Uitvoerende Raad kan 'n lid enige tyd skors nadat hy of sy met verrigtinge begin het om die ampstermyne van sodanige lid ingevolge subartikel (2) te beëindig.

(2B) Die verantwoordelike lid van die Uitvoerende Raad kan, na behoorlike navraag, die Raad ontbind indien dit nalaat om –

(a) sy vertrouenspligte te vervul; en/of

(b) sy pligte ingevolge artikel 7 uit te voer.

Wysiging van artikel 22 van Wet van 2010

9. Artikel 22 van die Hoofwet word hiermee gewysig deur die vervanging van paragraaf

(b) van subartikel (1) deur die volgende paragraaf:

"(b) aan 'n komitee ingevolge artikel 18 ingestel, 'n werknemer, of enige ander persoon of liggaam, enige van sy bevoegdhede, pligte of funksies bedoel in artikel 7(1)(f), (1)(h), (1)(j), (1)(k), (1)(l), (1)(n), (2)(a), (2)(f), (2)(g), (2)(i), (2)(j), (2)(l), (2)(m), (2)(n), (2)(o), (2)(p), (2)(q), (2)(r) en (2)(s) delegeer."

Wysiging van artikel 23 van Wet van 2010

[8.]10. Artikel 23 van die Hoofwet word hiermee gewysig deur die vervanging van subartikel (1) deur die volgende paragraaf::

“(1) Die Raad moet, in oorlegpleging met die verantwoordelike lid van die Uitvoerende Raad, ‘n toepaslik gekwalifiseerde, vaardige en ervare persoon as Hoof-Uitvoerende Beampte van die Raad aanstel.”

Wysiging van artikel 24 van Wet 8 van 2010

[9.]11. Artikel 24 van die Hoofwet word hiermee gewysig deur die invoeging na subartikel (2) van die volgende nuwe subartikel:

“(3) Onder enige omstandighede waarin die Raad nie in staat is om lisensies en registrasiesertifikate te hernu, of om oortredings van die Wet of die reëls te hanteer nie, moet die Hoof- Uitvoerende Beampte, by ontvangs van skriftelike bevestiging vanaf die verantwoordelike Lid van die Uitvoerende Raad, en vir 'n tydperk van hoogstens 90 dae –

(a) die volle bevoegdhede, werksaamhede en pligte van die Raad met betrekking tot die hernuwing van lisensies en registrasiesertifikate, uitvoer en aanvaar soos bedoel in die Wet; en

(b) die bevoegdhede van die Raad aanvaar en uitoefen, soos bedoel in artikels 7(1)(k), 7(1)(l), 7(2)(f) en 7(2)(g): Met dien verstande dat die Hoof- Uitvoerende Beampte eers 'n onafhanklike regspraktisyn aanstel om saam met die Hoof- Uitvoerende Beampte voor te sit by enige navrae wat gemaak word ingevolge paragrawe (a) en (b).”.]

“(3) In omstandighede, insluitend ontbinding van die Raad ingevolge subartikel 14(2B), waarin die Raad nie in staat is om sy bevoegdhede geldig uit te voer en sy funksies en pligte te vervul nie, moet die verantwoordelike lid van die Uitvoerende Raad onverwyld vir 'n maksimum tydperk van 180 dae 'n administrateur aanstel wat geskik is vir aanstelling op die Raad ingevolge artikel 8(1) en (2) en wat nie ingevolge artikel 9 onbevoeg is vir aanstelling op die Raad nie, om die volle bevoegdhede, funksies en pligte van die Raad te aanvaar en uit te voer, soos beoog in die Wet.”

Invoeging van artikel 30A in Wet 8 van 2010

[9.]12. Die volgende artikel word hiermee in die Hoofwet ingevoeg na artikel 30 –

"Lisensievoorwaardes

30A. (1) Die Raad mag, nadat die lisensiehouer of geregistreerde eers 'n geleentheid gegun is om verhoë te rig, voorwaardes opleë wat –

(a) duidelik en ondubbelsinnig;

(b) objektief meetbaar; en

(c) redelik haalbaar,

is by die uitreiking van enige lisensie of registrasiesertifikaat, of by die hernuwing van enige lisensie of registrasiesertifikaat.

(2) 'n Lisensiehouer of geregistreerde mag, te eniger tyd, by die Raad aansoek doen om enige voorwaarde te wysig, vervang of herroep, waarop die Raad die aansoek kan toestaan of weier: Met dien verstande dat, in alle gevalle waar die wysiging, vervanging of herroeping van enige voorwaarde verbonde aan 'n lisensie die potensiaal het om die verwesenliking of bevordering van die Raad se oogmerke, ingevolge artikel 6 van die Wet, te raak mag die Raad sodanige voorwaarde wysig, vervang of herroep slegs in oorleg met die verantwoordelike Lid van die Uitvoerende Raad.

(3) Waar die aansoek toegestaan is, moet die Hoof- Uitvoerende Beampte verseker dat die wysiging, vervanging of herroeping op die lisensie of registrasiesertifikaat bekragtig word.

(4) Benewens –

(a) die bepaalde bevoegdhede van die Raad om lisensie- of registrasievoorwaardes op te lê, soos voorsien word elders in hierdie Wet; en

(b) bepaalde verpligte lisensie- of registrasievoorwaardes, soos elders in hierdie Wet voorsien,

mag die Raad die tipes lisensievoorwaardes soos gelys in subartikel (5) opleë.

(5) Behoudens subartikel (4) en ondanks die Raad se algemene bevoegdheid om onbepaalde lisensie- of registrasievoorwaardes op te lê, mag die Raad nie [slegs] lisensie- of registrasievoorwaardes opleë wat [nie] teenstrydig is met enige bepaling van hierdie Wet, of met enige nasionale wetgewing nie, en wat betrekking het op –

- (a) die oogmerke van die Raad ingevolge artikel 6;
- (b) enige bepalings, voorwaardes, opdrag of bepaling uitgereik of gemaak deur die verantwoordelike Lid van die Uitvoerende Raad ingevolge artikels 6, 47, 89 en 137; of
- (c) strafbepalings op 'n lisensiehouer of geregistreerde, deur die Raad opgelê onder omstandighede waar die Raad bevind het sodanige lisensiehouer of geregistreerde hierdie Wet oortree het.

(6) Die Raad moet 'n voorwaarde op elke lisensie oplê en sodanige voorwaarde moet verklaar dat die lisensie moet verval en nie hernu kan word nie, sou die lisensiehouer versuim om met die bedryf van 'n wedderybesigheid ingevolge sodanige lisensie te begin, binne 24 maande vanaf sodanige lisensie vir die eerste keer aan die lisensiehouer uitgereik is: Met dien verstande dat die Raad, waar die lisensiehouer sodanige verlenging versoek het en die Raad voorsien het van voldoende motivering en bewys om goedkeuring van die versoek te regverdig, hierdie 24-maande tydperk mag verleng deur 'n maksimum tydperk van 'n verdere 12 maande.

(7) Nieteenstaande subartikel (2), mag die verpligte voorwaarde bedoel in subartikel (6) nie deur die Raad gewysig word nie."

Wysiging van artikel 32 van Wet 8 van 2010

[10.113. Artikel 32 van die Hoofwet word hiermee gewysig deur die vervanging van paragraaf (a) van subartikel (1) deur die volgende paragraaf:

"(a) is 'n persoon wat –

- (i) [‘n persoon bedoel in artikel 8(1) van die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994) is of aangekla is van enige besluitnemings- of krimineel afdwingbare funksie wat met dobbelary of die regulering daarvan verband hou;] in diens is van –

(aa) 'n "staatsorgaan", soos omskryf in artikel 239 van die Grondwet van die Republiek van Suid-Afrika, 1996;

(bb) 'n "openbare entiteit" soos omskryf in die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999);

[(cc) 'n politieke party;]

- (dd) (cc) enige provinsiale Wetgewer; of
(ee) (dd) die Nasionale Wetgewer; en
(ii) 'n politieke ampsdraer is; of
(iii) 'n lid van 'n rekenpligtige owerheid van 'n openbare entiteit soos omskryf in artikel 1 en bedoel in artikel 49 van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999);”.

[Invoeging van artikel 32A in Wet 8 van 2010

11. Die volgende artikel word hiermee ingevoeg in die Hoofwet na artikel 32 –

“Duur van werknemersregistrasie

32A.(1) Hierdie artikel is van toepassing op alle natuurlike persone wat werknemers is van lisensiehouers of geregistreerdes en van wie vereis word om geregistreer te word by die Raad ingevolge enige bepaling van hierdie Wet of die Regulasies.

(2) 'n Werknemersregistrasiesertifikaat, tensy deur die Raad gekanselleer, is geldig vir 'n tydperk van minstens 36 maande vanaf die uitreikingsdatum.

(3) Na aanleiding van die 36 maande tydperk, bedoel in subartikel (2), is 'n registrasiesertifikaat geldig vir 'n verdere tydperk wat eindig op die laaste dag van die geregistreerde werknemer se geboortemaand, wat volg op die volgende herdenking van die geregistreerde werknemer se verjaarsdag, tensy dit hernu word ingevolge subartikel (4).

(4) Aansoek om die hernuwing van 'n registrasiesertifikaat wat uitgereik is aan 'n werknemer ingevolge hierdie Wet moet gemaak word op die voorgeskrewe wyse van die Raad en moet vergesel gaan van die tersaaklike fooi gespesifiseer in Bylae 2.”.]

Wysiging van artikel 40 van Wet 8 van 2010

[12.]~~14.~~ Artikel 40 van die Hoofwet word hiermee gewysig deur die vervanging van subparagraaf (ii) van paragraaf (g) van subartikel (1) deur die volgende subparagraaf:

“(ii) nie in alle belangrike aspekte voldoen aan [’n nasionale norm of standaard]

’n toepaslike verpligte spesifikasie of aan ’n norm of standaard wat deur die Raad bepaal word nie; of.”

Wysiging van artikel 43 van Wet 8 van 2010

[13.]15. Artikel 43 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van die artikelopskrif deur die volgende artikelopskrif:

“Oordrag van lisensie of registrasiesertifikaat”;

[(a)](b) deur die vervanging van subartikel (1) deur die volgende subartikel:

“(1) ’n Lisensiehouer of ’n geregistreerde soos beoog in hoofstuk 10 wat nie ’n werknemer van ’n lisensiehouer of geregistreerde is nie, kan [te eniger tyd] ten minste 60 dae voor die beoogde datum van inwerkingtreding van oordrag by die Raad aansoek doen om [sy of haar] sodanige lisensie of registrasiesertifikaat na iemand anders te laat oordra en in so ’n geval is die bepalings van artikels 30, 31, 32, 33, 34, 35, 36, 37 en 38 met die nodige veranderinge onmiddellik van toepassing op die persoon na wie sodanige lisensie of sertifikaat oorgedra moet word.”; en

(b) deur die vervanging van subartikel (3) deur die volgende subartikel:

“(3) Indien ’n aansoek toegestaan word, moet die Hoof- Uitvoerende Beampte [die naam van die lisensiehouer toepaslik op die lisensie laat verander] ’n lisensie of registrasiesertifikaat uitreik, na gelang van die geval, aan die nuwe lisensiehouer van sodanige lisensie of registrasiesertifikaat.”.

Invoeging van artikel 43A in Wet 8 van 2010

[14.]16. Die volgende artikel word hiermee ingevoeg in die Hoofwet na artikel 43 –

“Finansiële belange

[43A.(1) Die Raad moet, van tyd tot tyd en stelselmatig, verseker dat persone wat ’n finansiële belang in ’n lisensiehouer of geregistreerde bekom nie onbevoeg verklaar word om sodanige belang te hou nie, uit hoofde van artikel 32 van hierdie Wet.

(2) ’n Lisensiehouer of geregistreerde begaan ’n misdryf wanneer daar versuim word om die besonderhede van enige verkryging van ’n finansiële

belang van vyf persent of meer in sodanige lisensiehouer of geregistreerde deur enige persoon aan die Raad bekend te maak, sodra 30 dae verloop het sedert die lisensiehouer of geregistreerde bevestig het dat sodanige verkryging plaasgevind het, of daar redelikerwys verwag sou word dat sodanige verkryging bevestig sou word: Met dien verstande dat van 'n openbare maatskappy vereis word, nadat sekuriteite wat op enige beurs verhandel word op die noteringslys geplaas is, om binne slegs elke ses maande, wat volg op die uitreiking van die lisensie of registrasiesertifikaat, te bevestig dat sodanige verkryging plaasvind het, en verslag lewer op, sodanige verkryging.

(3) Waar 'n lisensiehouer of geregistreerde 'n openbare maatskappy is en sekuriteite, wat op enige beurs verhandel word, op die noteringslys geplaas het, bybehorend tot die kennisgewing bedoel in subartikel (2), moet sodanige lisensiehouer of geregistreerde tegelykertyd 'n opgedateerde sekuriteiteregister aan die Raad voorlê.

(4) Daar word van die verkryger van enige finansiële belang in 'n lisensiehouer of geregistreerde, of in 'n beheermaatskappy van sodanige lisensiehouer of geregistreerde, vereis word om die besonderhede van sodanige verkryging aan die Raad bekend te maak binne 60 dae nadat sodanige verkryging plaasgevind het en op die voorgeskrewe wyse van die Raad.

(5) Die verkryger van 'n finansiële belang van vyf persent of meer in 'n lisensiehouer of geregistreerde van die besigheid waarop die lisensie of registrasie betrekking het, moet aansoek doen om magtiging ten einde sodanige finansiële belang te behou deur die prosedures en vereistes, bedoel in artikels 32, 33, 34, 35, 36, 37 en 38, te volg wat van toepassing sal wees op die aansoek, met die nodige veranderinge.

(6) Wanneer die Raad vermoed, op redelike en objektiewe gronde, dat 'n verkryger van 'n finansiële belang van minder as vyf persent in 'n lisensiehouer of geregistreerde van die besigheid waarop die lisensie of registrasie betrekking het, kan die verkryger ingevolge artikel 32 onbevoeg

verklaar word om sodanige finansiële belang te behou en die Raad kan van sodanige verkryger vereis om aansoek te doen om magtiging ten einde sodanige finansiële belang te behou deur die prosedures en vereistes, bedoel in artikels 32, 33, 34, 35, 36, 37 en 38, te volg wat van toepassing sal wees op die aansoek, met die nodige veranderinge.

(7) Die beheermaatskappy van enige filiaal wat gelisensieerd of geregistreer is kragtens hierdie Wet word verplig deur die vereistes van subartikels (2) en (3) asof sodanige beheermaatskappy op sigself gelisensieer of geregistreer is kragtens hierdie Wet en enige sodanige beheermaatskappy wat versuim om aan hierdie bepalings te voldoen is skuldig aan 'n misdryf: Met dien verstande dat die Raad nie 'n lisensie of registrasie moet uitreik aan 'n volle filiaal of 'n ander regspersoon nie.

(8) 'n Volle filiaal of ander regspersoon, wat op die datum waarop hierdie artikel gepromulgeer is, is steeds gelisensieer of geregistreer kragtens hierdie Wet, en moet ingevolge artikel 43 van hierdie Wet aansoek doen by die Raad om magtiging vir die oordrag van sodanige lisensie of registrasiesertifikaat aan sy beheermaatskappy, nie later nie as 120 dae na promulgering van hierdie artikel. Versuim daarvan sal lei tot die verval van sodanige lisensie of registrasiesertifikaat.

(9) Vir die doeleindes van hierdie artikel beteken –

“aandelebeurs”, wanneer gebruik as 'n selfstandige naamwoord, aandelebeurs soos omskryf in artikel 1 van die Wet op Finansiële Markte, 2012 (Wet No. 19 van 2012);

“beheermaatskappy” beheermaatskappy soos omskryf in artikel 1 van die Maatskappywet, 2008 (Wet No. 71 van 2008);

“filiaal” filiaal soos omskryf in artikel 1 van die Maatskappywet, 2008 (Wet No. 71 van 2008);

“genoteerde sekuriteite” sekuriteite op die noteerlys geplaas, soos omskryf in artikel 1 van die Wet op Finansiële Markte, 2012 (Wet No. 19

van 2012);

"openbare maatskappy" openbare maatskappy soos bedoel in artikel 8 van die Maatskappywet, 2008 (Wet No. 71 van 2008);

"sekuriteite" sekuriteite soos omskryf in artikel 1 van die Wet op Finansiële Markte, 2012 (Wet No. 19 van 2012);

"sekuriteiteregister" 'n sekuriteiteregister soos omskryf in artikel 1 van die Maatskappywet, 2008 (Wet No. 71 van 2008);

"volle filiaal of ander regspersoon" dra die betekenis bedoel in artikel 3(1)(b) van die Maatskappywet, 2008 (Wet No. 71 van 2008);".]

43A.(1) Die Raad moet lisensiehouers en geregistreerdes op deurlopende grondslag monitor om die risiko te verminder dat persone wat 'n finansiële belang in 'n lisensiehouer of geregistreerde bekom, onbevoeg verklaar word om sodanige belang te behou, uit hoofde van artikel 32 van hierdie Wet.

(2) 'n Lisensiehouer of geregistreerde moet besonderhede oor enige verkryging deur enige persoon van 'n regstreekse of onregstreekse finansiële belang van tien present of meer in die lisensiehouer of geregistreerde aan die Raad openbaar maak en wel binne 30 dae na sodanige verkryging, op die wyse soos deur die Raad voorgeskryf, indien die verkryger 'n institusionele belegger, 'n openbaar verhandelde belegger, 'n bewaringsinstelling, 'n sentrale effekdebewaarplek, of 'n openbare maatskappy is met effekte genoteer op 'n effektebeurs.

(3) Enige verkryger van 'n regstreekse of onregstreekse finansiële belang in 'n lisensiehouer of geregistreerde van vyf present of meer van die besigheid waarop die lisensie of registrasie betrekking het, moet aansoek doen om magtiging ten einde sodanige finansiële belang te behou deur die prosedures en vereistes, bedoel in artikels 32, 33, 34, 35, 36, 37 en 38, te volg wat van toepassing sal wees op die aansoek, met die nodige veranderinge.

(4) Vir die doeleindes van hierdie artikel beteken –

"effekte" effekte soos omskryf in artikel 1 van die Wet op Finansiële Markte, 2012 (Wet No. 19 van 2012);

"effektebeurs" effektebeurs soos omskryf in artikel 1 van die Wet op Finansiële Markte, 2012 (Wet No. 19 van 2012);

"genoteerde effekte" genoteerde effekte soos omskryf in artikel 1 van die Wet op Finansiële Markte, 2012 (Wet No. 19 van 2012); en

"openbare maatskappy" 'n openbare maatskappy soos beoog in artikel 8 van die Maatskappywet, 2008 (Wet No. 71 van 2008)."

Wysiging van artikel 44 van Wet 8 van 2010

[15.]17. Artikel 44 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van subartikel (1) deur die volgende subartikel:

"(1) 'n Lisensiehouer, of geregistreerde wat nie 'n werknemer van 'n lisensiehouer of geregistreerde is nie, kan te eniger tyd aansoek doen om goedkeuring vir die hervestiging [verskuiwing], hetsy permanent of tydelik, van [sy of haar] die [besigheid] sakebedrywigheede van sodanige lisensiehouer of geregistreerde, van die perseel wat in die lisensie of registrasiesertifikaat vermeld word, na 'n ander perseel."; en

(b) deur die invoeging na subartikel (3) van die volgende nuwe subartikels:

"(4) Die Raad moet prosedures voorskryf wat gevolg moet word by die aansoek doen om goedkeuring, soos bedoel in subartikel (1).

(5) 'n Aansoek, soos bedoel in subartikel (1), moet vergesel gaan van die voorgeskrewe fooi in Bylae 2."

Wysiging van artikel 47 van Wet 8 van 2010

[16.]18. Artikel 47 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van subartikel (2) deur die volgende subartikel:

"(2) Die verantwoordelike Lid van die Uitvoerende Raad moet, wanneer 'n opdrag uitgereik word ingevolge subartikel (1), dit doen in oorlegpleging met die Uitvoerende Raad en na oorlegpleging met die Raad [, die Portefeuljekomitee en enige portefeuljekomitee wat deur die Provinsiale Wetgewer aangestel is wat verantwoordelik is vir toesig oor

departemente wat aangeleenthede administreer wat toerisme en ekonomiese aangeleenthede behels].”; en

(b) deur die vervanging van subartikel (3) deur die volgende subartikel:

“(3) Die verantwoordelike Lid van die Uitvoerende Raad kan, in oorlegpleging met die Uitvoerende Raad en na oorlegpleging met die Raad [, **die portefeuljekomitees vermeld in subartikel (2)]** en enige houer van ’n casinolisensie uitgereik ingevolge artikel 51, wat geraak sal word deur die verantwoordelike Lid van die Uitvoerende Raad se besluit ingevolge hierdie subartikel, ’n opdrag wat ingevolge hierdie artikel uitgereik word, wysig of herroep.”.

Wysiging van artikel 53 van Wet 8 van 2010

[17.]19. Artikel 53 van die Hoofwet word hiermee gewysig deur die skapping van subartikels (4) en (5).

Herroeping van artikel 54 van Wet 8 van 2010

[18.]20. Artikel 54 van die Hoofwet word hiermee geskrap.

Wysiging van artikel 55 van Wet 8 van 2010

[19.]21. Artikel 55 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van subartikel (1) deur die volgende subartikel:

“(1) Geen persoon mag ’n perseel in stand hou waar casinodobbeltmasjiene, elektroniese bingoterminale of beperkte uitbetaalmasjiene gespeel word nie, tensy [hy of sy] sodanige persoon in besit is van ’n toepaslike geldige [casino] lisensie, [bingolisensie, onafhanklike perseeloperatorslisensie of ’n perseeloperatorslisensie] uitgereik ingevolge hierdie Wet.”; en

(b) deur die vervanging van subartikel 2 deur die volgende subartikel:

“(2) Geen persoon mag [–

(a) casinodobbeltmasjiene of beperkte uitbetaalmasjiene beskikbaar stel vir gebruik in enige gelisensieerde perseel nie;

(b) die gereelde instandhouding of die herstel, vervanging of opknapping van ’n casinodobbeltmasjiene of beperkte

uitbetaalmasjiene in sodanige perseel onderneem nie;en] die regte uitoefen van, of [(c)] enige [ander] voorgeskrewe aktiwiteite van 'n [roete-operateur bedryf nie, tensy hy of sy in besit is van 'n casinolisensie, roete-operateurslisensie, perseeloperatorslisensie of onafhanklike perseeloperatorslisensie] lisensiehouer bedryf nie, tensy sodanige persoon in besit is van 'n toepaslike lisensie uitgereik ingevolge hierdie Wet.”.

Wysiging van artikel 57 van Wet 8 van 2010

[20.]22. Artikel 57 van die Hoofwet word hiermee gewysig deur die skapping van subartikels (4) en (5).

Wysiging van artikel 59 van Wet 8 van 2010

[21.]23. Artikel 59 van die Hoofwet word hiermee gewysig deur die vervanging van paragraaf (a) deur die volgende paragraaf:

“(a) van 'n tipe en model is wat nie voldoen aan [‘n nasionale norm of standaard] ‘n toepaslike verpligte spesifikasie nie of, indien daar geen [nasionale norm of standaard] toepaslike verpligte spesifikasie is nie, [nie voldoen aan] ‘n norm [en] of standaard wat deur die Raad in sy reëls bepaal is;”.

Wysiging van artikel 62 van Wet 8 van 2010

[22.]24. Artikel 62 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van paragraaf (d) van subartikel (1) deur die volgende paragraaf:

“(d) [standaarde en] vereistes met betrekking tot die casinodobbelttoerusting wat in 'n bingosaal geplaas, gebruik en bedryf word;”; en

(b) deur die skapping van subartikels (4) en (5).”.

[Wysiging van artikel 69 van Wet 8 van 2010

23. Artikel 69 van die Hoofwet word hiermee gewysig –

- (a) deur die invoeging van die woord “of” na paragraaf (d); en
- (b) deur die invoeging na paragraaf (d) van die volgende nuwe paragraaf:
“(e) die hernuwing van registrasie word betaalbaar ingevolge artikel 32A.”.]

Wysiging van artikel 73 van Wet 8 van 2010

[24.]25. Artikel 73 van die Hoofwet word hiermee gewysig deur die vervanging van paragraaf (b) deur die volgende paragraaf:

“(b) alle regstreekse uitgawes betaal wat die Raad aangaan het ten opsigte van enige ondersoeke wat hy ingevolge artikel 35 en artikel 37, ingesluit die kostes aangegaan ten opsigte van die tyd gespandeer deur werknemers van die Raad terwyl ondersoek ingestel word waar die kostes verskyn as ’n tarief in Bylae 2, onderneem het: Met dien verstande dat die Raad ’n aansoeker kan aansê om sodanige sekuriteit by hom te deponeer wat hy bepaal voordat enige ondersoek bedoel in voornoemde artikel onderneem word.”.

Wysiging van artikel 77 van Wet 8 van 2010

[25.]26. Artikel 77 van die Hoofwet word hiermee gewysig –

- (a) deur die vervanging van subartikel (1) deur die volgende subartikel:

“(1) Alle persone wat gelisensieer is ingevolge hierdie Wet moet [, kragtens artikel 129,] die belasting aan die Provinsiale Inkomstefonds betaal wat opgelê is ingevolge die KwaZulu-Natal Belastingwet op Dobbelaar en Weddery, 2010 (Wet No. 9 van 2010)[.] ,op die voorgeskrewe wyse en, terselfdertyd, ’n belastingopgawe indien by beide die Raad en die Provinsiale Tesourie, op die voorgeskrewe wyse.”; en

- (b) deur die invoeging na subartikel (2) van die volgende nuwe subartikels:

“(3) Die Provinsiale Tesourie moet enige vereiste verspreiding van ’n gedeelte van die belasting ontvang teweegbring, soos voorgeskryf deur die KwaZulu-Natal Belastingwet op Dobbelaar en Weddery, 2010 (Wet No. 9 van 2010), nie later nie as 20 dae na die einde van elke belastingtydperk.

(4) Die Raad moet die verantwoordelike Lid van die Uitvoerende Raad, op die voorgeskrewe wyse, voorsien van ’n breedvoerige verslag insake die

belasting ontvang en versprei deur die Provinsiale Tesourie, nie later nie as 25 dae na die einde van elke belastingtydperk."

(5) Belasting word betaalbaar aan die einde van elke belastingtydperk en elke lisensiehouer moet belasting wat verskuldig is betaal, nie later nie as 'n tydperk van hoogstens 10 dae nie, na die einde van elke belastingtydperk.

(6) Vir die doeleindes van hierdie artikel beteken "belastingtydperk" 'n kalendermaand."

Wysiging van artikel 78 van Wet 8 van 2010

[26.]27. Artikel 78 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 78 deur die volgende subartikels:

"Straf vir laat betaling

78.(1) By versuim om enige geld, belasting of heffing of deel daarvan op die vervaldatum te betaal, word die lisensie van die betrokke persoon geag onmiddellik opgeskort te wees totdat die geld, belasting of heffing betaal word, tesame met die voorgeskrewe boeterente.

(2) Indien 'n lisensie ingevolge hierdie artikel opgeskort word, word die aktiwiteit wat deur die lisensie gemagtig word, **[ook opgeskort]** gestaak: Met dien verstande dat staking van die vermelde aktiwiteit slegs deur die Raad afdwingbaar is 24 uur nadat 'n lisensiehouer of geregistreerde skriftelik deur die Raad in kennis gestel is van die versuim om te betaal en sodanige lisensiehouer of geregistreerde het, daarna, versuim om die fooi, belasting of heffing te betaal, tesame met die voorgeskrewe boeterente, voor die verstryking van die 24-uur tydperk.

(3) Die voorgeskrewe renteboete moet in die Provinsiale Inkomstefonds gestort word."

Wysiging van artikel 89 van Wet 8 van 2010

[27.]28. Artikel 89 van die Hoofwet word hiermee **[geskrap en vervang]** gewysig deur die vervanging van artikel 89 met die volgende artikel –

"Renbaanoperateurslisensie

[89.(1) 'n Korporatiewe liggaam kan by die Raad op die voorgeskrewe wyse aansoek doen om die uitreiking van een of meer van die volgende tipes renbaanoperateurslisensies –

(a) 'n eksklusiewe reg-renbaanoperateurslisensie, wat die houer van sodanige lisensie magtig om wedrenbyeenkomste vir volbloedperde op een of meer renbane, gespesifiseer in die lisensie, te hou en om 'n totalisatorlisensie te verkry wat, beurtelings, die totalisatorlisensiehouer magtig om 'n totalisator op 'n volbloedperdewedren by 'n sportgebeurtenis of by 'n ander goedgekeurde gebeurtenis of gebeurlikheid te bedryf;

(b) 'n standaardgeteelde renbaanoperateurslisensie, wat die houer van sodanige lisensie magtig om standaardgeteelde perdewedrenbyeenkomste op een of meer bane gespesifiseer in die lisensie te hou en om 'n totalisatorlisensie te verkry wat, beurtelings, die totalisatorlisensiehouer magtig om 'n totalisator op slegs 'n standaardgeteelde perdewedren te bedryf; of

(c) 'n tuiqwedren-perderenbaanoperateurslisensie, wat die houer van sodanige lisensie magtig om tuiqwedren-perdewedrenbyeenkomste op een of meer bane, gespesifiseer in die lisensie, te hou en om 'n totalisatorlisensie te verkry wat, beurtelings, die totalisatorlisensiehouer magtig om 'n totalisator op slegs 'n tuiqwedren-perdewedren te bedryf.

(2) Die verantwoordelike Lid van die Uitvoerende Raad moet opdragte uitreik aan die Raad met betrekking tot –

(a) 'n enkel eksklusiewe reg renbaanoperateurslisensie om uitgereik te word in die Provinsie;

(b) die tydperk van geldigheid vir sodanige lisensie wat minstens 15 jaar moet duur;

(c) die beskerming van die bestaande perdewedren-infrastruktuur in die Provinsie; en

(d) die voorwaardes waarop sodanige lisensie uitgereik sal word ingesluit, onder andere, die fooi ten opsigte van 'n eksklusiewe reg renbaanoperateurslisensie, vereistes vir die ontwikkeling of instandhouding van perdewedren-infrastruktuur of korporatiewe

sosiale beleggingsprojekte.

(3) Die verantwoordelike Lid van die Uitvoerende Raad moet, wanneer 'n opdrag uitgereik word ingevolge subartikel (2), so doen in oorlegpleging met die Uitvoerende Raad en na oorlegpleging met die Raad.

(4) Die verantwoordelike Lid van die Uitvoerende Raad kan, in oorlegpleging met die Uitvoerende Raad en na oorlegpleging met die Raad en die eksklusiewe reg renbaan-operateurslisensiehouer, enige opdrag wat uitgereik is ingevolge subartikel (2) wysig of terugtrek.

(5) Subartikels (1), (2), (3) en (4) van hierdie artikel sal in werking tree op 'n dag bepaal deur die verantwoordelike Lid van die Uitvoerende Raad en gepubliseer word by wyse van 'n Kennisgewing in die Koerant.

(6) Alle houers van 'n renbaanoperateurslisensie wat uitgereik is voor die inwerkingtreding van hierdie artikel moet, nie later as ses maande na die datum van inwerkingtreding bedoel in subartikel (5) nie, aansoek doen om 'n lisensie soos bedoel in subartikel (1).

(7) Die lisensies van alle renbaanoperateurslisensiehouers wat uitgereik is voor die inwerkingtreding van hierdie artikel bly geldig tot óf die dag waarop die Raad sy finale beslissing gemaak het oor 'n aansoek gedoen ingevolge subartikel (1), óf die tydperk bedoel in subartikel (6) het verval voor die betrokke lisensiehouer aansoek gedoen het, soos bedoel in subartikel (1), watter datum ook al die vroegste is.

(8) 'n Aansoek bedoel in subartikel (1) moet vergesel gaan van 'n aansoeker se akte van oprigting of samewerkingsooreenkoms, asook die fooie soos voorgeskryf in Bylae 2 wat betaalbaar is aan die Raad.

(9) 'n Renbaanoperateurslisensie moet nie uitgereik word nie –

(a) tensy die Raad tevrede is dat behoorlike voorsiening gemaak sal word vir die gedrag en beheer van perdewedrenne en weddery op die vermelde renbaan of renbane op 'n wyse wat die verwesenliking van die oogmerke van die Raad, bedoel in artikel 6(1)(a), (c), (d), (e) en (f), sal

fasiliteer; en

(b) indien, behoudens artikel 133, enige direkteur, lid of aandeelhouer met 'n belang, ingesluit 'n finansiële belang, van vyf persent of meer in die korporatiewe liggaam is, of word, onderwerp aan 'n onbevoegdheid soos bedoel in artikel 32.

(10) 'n Lisensie uitgereik ingevolge subartikel (1) moet, as 'n minimum vereiste –

(a) die identiteit van die lisensiehouer;

(b) die perdewedrenaktiwiteite waarby die lisensiehouer betrokke kan wees, kan bedryf of aan die publiek beskikbaar kan stel, soos toegelaat deur die lisensie;

(c) die renbane waar, of vanwaar, die lisensiehouer toegelaat word om in bedryf te wees; en

(d) die duur van die lisensie,

spesifiseer.

(11) 'n Renbaanoperateur moet, binne drie maande nadat 'n renbaanoperateurslisensie aan hom of haar uitgereik is, die reëls ingevolge waarvan sodanige renbaanoperateur van voorneme is om perdewedrenne te bedryf, voorlê aan die Raad vir goedkeuring en moet verder enige voorgenome wysigings aan bestaande goedgekeurde reëls aan die Raad voorlê vir goedkeuring voor die implementering van sodanige voorgenome wysigings.

(12) Die Raad kan 'n renbaanoperateurslisensie kanselleer of opskort vir 'n bepaalde tydperk indien enige ampsdraers of werknemers van die operateur, op redelike gronde, verdink word daarvan dat hulle hierdie Wet, die KwaZulu-Natal Belastingwet op Dobbelaar en Weddery, 2010 (Wet No. 9 van 2010), die Regulasies of die voorwaardes van sodanige lisensie oortree het.

(13) Die Raad kan 'n nie-oordraagbare reg aan 'n beroepswedder toestaan vir die bedryf van 'n beroepsweddery vanaf enige enkel renbaan gespesifiseer in 'n renbaanoperateurslisensie, onderworpe aan die toestemming van die betrokke renbaanoperateur. Die toestemming mag nie op 'n onredelike wyse

weerhou word nie.

(14) 'n Renbaanoperateur moet jaarliks, en nie later nie as ses maande na die einde van die finansiële jaar, 'n afskrif van die geouditeerde finansiële verslae van sodanige renbaanoperateur, ten opsigte van die aktiwiteite van sodanige renbaanoperateur vir die tersaaklike finansiële jaar, aan die Raad voorlê. Die verslae moet geouditeerde finansiële verslae en verspreidings, soos verwys na in artikel 132(b), afsonderlik geïdentifiseer, tesame met die uitgawes wat betrekking het daarop, insluit: Met dien verstande dat die Raad, by aansoek daarvoor deur die renbaanoperateur, die tydperk kan verleng vir nie meer as ses maande nie.]

89.(1) Die Raad kan by aansoek op die wyse wat deur hom voorgeskryf word en behoudens die bepalings van subartikel (3), die uitreiking van 'n renbaanoperateurslisensie aan enige korporatiewe liggaam of liggame goedkeur om wedrenbyeenkomste op een of meer van die renbane wat in die lisensie vermeld word, te hou, welke goedkeuring voorwaardelik of onvoorwaardelik kan wees: Met dien verstande dat, wanneer sodanige aansoek oorweeg word, moet die Raad die ekonomiese, sosiale ontwikkelings- en kompetisiekwessies bedoel in artikels 53 en 54 van die Nasionale Dobbeltwet oorweeg.

(2) [Die] 'n [k]Korporatiewe liggaam in subartikel (1) moet as een van sy oogmerke die bevordering en aanbieding van perdewedrenne hê.

(3) 'n Lisensie wat ingevolge subartikel (1) goedgekeur word, mag nie uitgereik word nie

—

(a) tensy die Raad oortuig is dat behoorlike voorsiening gemaak sal word vir die aanbieding van en beheer oor perdewedrenne en weddery op die voornoemde renbaan of renbane op 'n wyse wat die verwesenliking van die oogmerke van die Raad bedoel in artikel 6(1)(a), (c), (d), (e) en (f) sal fasiliteer;

(b) indien, behoudens die bepalings van artikel 133, enige direkteur, lid of enige aandeelhouer met 'n beherende of finansiële belang van vyf persent of meer in [die] 'n korporatiewe liggaam aan 'n onbevoegdheid bedoel in artikel 32 onderworpe is of raak; en

(c) tensy die Raad met die perdewedrenowerheid gelisensieer ingevolge die

Nasionale Dobbelwet oorleg gepleeg het en skriftelike bewys van hom ontvang het dat die renbaan of renbane wat in die lisensie vermeld moet word aan die reëls en enige ander vereistes van die voornoemde owerheid voldoen.

(4) [Die] h [a]Aansoek bedoel in subartikel (1) moet vergesel gaan van die aansoeker se statute, die aansoek- en ondersoekgelde voorgeskryf in bylae 2, welke gelde aan die Raad betaalbaar is.

(5) [Die] h [I]Lisensie uitgereik ingevolge subartikel (1) moet die volgende spesifiseer:

- (a) die identiteit van die lisensiehouer;
- (b) die aktiwiteite wat [die] h lisensie die lisensiehouer toelaat om by betrokke te raak, te bedryf of aan die publiek beskikbaar te stel;
- (c) die renbane waarop of waarvandaan die lisensiehouer toegelaat word om sake te doen; en
- (d) die duur van die lisensie.

(6) Die Raad kan 'n renbaanoperateurslisensie vir 'n bepaalde tydperk kanselleer of opskort indien enige van die operateur se ampsbekleërs of werknemers hierdie Wet, die regulasies of die voorwaardes van sodanige lisensie oortree het of op redelike gronde daarvan verdink word dat hulle dit oortree het.

(7) Die Raad kan 'n nie-oordraagbare reg aan 'n beroepswedder verleen om 'n beroepsweddersbesigheid vanuit enige enkele renbaan wat in die renbaanoperateurslisensie vermeld word, te bedryf, onderhewig aan die instemming van die betrokke renbaanoperateur, welke toestemming nie onredelik weerhou mag word nie.

(8)(a) Alle wedrenbyeenkomste wat op 'n renbaan of renbane gehou word wat in 'n renbaanoperateurslisensie vermeld word, moet bedryf word kragtens en ingevolge die grondwet, reëls en regulasies van die Nasionale Perdewedrenowerheid.

(b) Standaardgeteelde en tuiqwedren-perdewedrenbyeenkomste wat op 'n renbaan of renbane gehou word soos in 'n renbaanoperateurslisensie aangedui, moet gehou word volgens en ingevolge die reëls beoog in paragraaf (c) wat op sodanige perdewedrenkodes van toepassing is.

(c) 'n Renbaanoperateur moet –

- (i) binne drie maande na uitreiking van 'n renbaanoperateurslisensie die reëls waarvolgens die renbaanoperator van voorneme is om perdewedrenbyeenkomste te hou aan die Raad vir goedkeuring voorlê; en
- (ii) enige voorgename wysigings aan bestaande goedgekeurde reëls vir die hou van perdewedrenbyeenkomste aan die Raad vir goedkeuring voorlê voor implementering van die voorgename wysigings.

(9) 'n Renbaanoperator moet jaarliks, nie later as ses maande na die boekjaar, die Raad voorsien van 'n afskrif van die geouditeerde finansiële staat van sodanige renbaanoperator, ten opsigte van die aktiwiteite van sodanige renbaanoperator vir die betrokke boekjaar, in welke geouditeerde finansiële state die verdelings vermeld in artikel 132(b) afsonderlik geïdentifiseer word tesame met die uitgawes wat daarmee in verband staan: Met dien verstande dat die Raad by aansoek deur 'n renbaanoperator die tydperk met hoogstens ses maande kan verleng.

Herroeping van artikel 90 van Wet 8 van 2010

[28.]29. Artikel 90 van die Hoofwet word hiermee herroep.

Wysiging van artikel 91 van Wet 8 van 2010

[29.]30. Artikel 91 van die Hoofwet word hiermee gewysig deur die vervanging van subartikel (1) deur die volgende subartikel:

“(1) Tensy dit ingevolge subartikel (2) hernuwe word, verstryk die lisensie wat ingevolge artikel 89(1) uitgereik is, op die een-en-dertigste dag van [Desember] Maart van die finansiële jaar van die Raad ten opsigte waarvan [dit] sodanige lisensie uitgereik of hernuwe is: Met dien verstande dat, vir die doeleindes van hierdie artikel, die finansiële jaar van die Raad duur vir die tydperk van 1 April tot 31 Maart.”.

Wysiging van artikel 94 van Wet 8 van 2010

[30.]31. Artikel 94 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van subartikel (4) deur die volgende subartikel:

“(4) 'n Beroepswedderslisensie kan uitgereik word aan 'n enkel natuurlike persoon, aan twee of meer natuurlike persone wat die besigheid bedryf

ingevolge 'n vennootskapsooreenkoms, of 'n enkel korporatiewe liggaam."; en
(b) deur die vervanging van subartikel (7) deur die volgende subartikel:

"(7) Tensy dit vroeër ingevolge artikel 99 gekanselleer is, verstryk 'n beroepswedderslisensie op die een-en-dertigste dag van [Desember] Maart van die finansiële jaar van die Raad ten opsigte [waarvoor] waarvan [dit] sodanige lisensie uitgereik of hernu is, [maar kan van jaar tot jaar na goeëddunke van die Raad op die voorgeskrewe wyse hernuwe word en] by betaling van die lisensiegeld soos voorgeskryf in bylae 2[.]: Met dien verstande dat, vir die doeleindes van hierdie artikel, die finansiële jaar van die Raad duur vir die tydperk van 1 April tot 31 Maart.".

Herroeping van artikel 97 van Wet 8 van 2010

[31.]32. Artikel 97 van die Hoofwet word hiermee herroep.

Herroeping van artikel 98 van Wet 8 van 2010

[32.]33. Artikel 98 van die Hoofwet word hiermee herroep.

Herroeping van artikel 106 van Wet 8 van 2010

[33.]34. Artikel 106 van die Hoofwet word hiermee herroep.

Wysiging van artikel 110 van Wet 8 van 2010

[34.]35. Artikel 110 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van subartikel (1) deur die volgende subartikel:

"(1) Die Raad kan by aansoek en op die wyse wat hy bepaal, 'n lisensie uitreik, met of sonder voorwaardes, aan 'n renbaanoperateur om 'n totalisator op 'n –

(a) [n renbaanoperateur om 'n totalisator op 'n] volbloedperdewedren, 'n sportgebeurtenis of 'n ander gebeurtenis of gebeurlikheid te bedryf; [en]

(b) [n ander persoon as 'n renbaanoperateur om 'n totalisator op 'n sportgebeurtenis of ander gebeurtenis of gebeurlikheid te bedryf, welke lisensie voorwaardelik of onvoorwaardelik uitgereik kan

word.]n standaardgeteelde perdewedren;"; en

(c) 'n tuigwedren-perdewedren te bedryf;";

(b) deur die vervanging van subartikel (4) deur die volgende subartikel:

"(4) Tensy dit ingevolge artikel 112 vroeër gekanselleer is, verval 'n totalisatorlisensie op die een-en-dertigste dag van **[Desember] Maart** van die finansiële jaar van die Raad ten opsigte waarvoor [dit] sodanige lisensie uitgereik of hernu is, maar [kan op die voorgeskrewe wyse van jaar tot jaar na goeddunke van die Raad] is hernubaar by aansoek op die voorgeskrewe wyse en by betaling van die **[totalisator]** lisensiegeld voorgeskryf in **[b]Bylae 2 [hernuwe word]**.

Wysiging van artikel 111 van Wet 8 van 2010

[35.]36. Artikel 111 van die Hoofwet word hiermee gewysig deur die invoeging na subartikel (5) van die volgende nuwe subartikel:

"(6) Daar word van 'n persoon vereis om te registreer as 'n totalisatorbestuurder indien hy of sy –

(a) individueel, of as deel van 'n groep, bedryfsbeleide formuleer;

(b) regstreeks beheer uitoefen oor die aktiwiteite wat deur die totalisatorlisensie gemagtig is;

(c) voorgeskrewe belastingopgawes of verslae voorberei;

(d) die gesag het om krediet aan 'n wedder toe te staan; of

(e) die gesag het om dispute en klagtes van wedders te hanteer."

Wysiging van artikel 119 van Wet 8 van 2010

[36.]37. Artikel 119 van die Hoofwet word hiermee gewysig deur die vervanging van paragraaf (c) deur die volgende paragraaf:

"(c) op sodanige ander plek wat ingevolge artikel 121 gemagtig word."

Wysiging van artikel 120 van Wet 8 van 2010

[37.]38. Artikel 120 van die Hoofwet word hiermee gewysig deur die vervanging van subartikel (1) deur die volgende subartikel:

"(1) 'n **[Lisensiehouer] Persoon** wat gelisensieerd is ingevolge artikel 94 of 110

moet die Raad se goedkeuring verkry vir alle gelisensiëerde persele [wat gebruik gaan word vir die bedryf van 'n beroepswedderbesigheid, totalisator, totalisatortak of totalisatoragentskap, na gelang van die geval, welke goedkeuring met of sonder voorwaardes goedgestaan kan word].”.

Wysiging van artikel 121 van Wet 8 van 2010

[38.]**39.** Artikel 121 van die Hoofwet word hiermee gewysig deur die vervanging van subartikel (1) deur die volgende subartikel:

“(1) 'n Persoon wat ingevolge artikel 94 of 110 gelisensieer is, kan by die Raad aansoek doen, op die wyse wat die Raad bepaal, om magtiging om tydelik wedtransaksies, vir 'n vasgestelde tyd, by enige plek aan te gaan [te onderneem], bykomend tot die gelisensiëerde perseel, welke aansoek die Raad van die hand kan wys met of sonder voorwaardes kan toestaan.”.

Wysiging van artikel 123 van Wet 8 van 2010

[39.]**40.** Artikel 123 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van subartikel (1) deur die volgende subartikel:

“(1) 'n Persoon wat ingevolge artikel 94 of 110 gelisensieer is, mag nie, met die doel om weddenskappe en wedtransaksies op te teken, enige gerekenariseerde boekhoustelsel of enige verandering aan 'n goedgekeurde gerekenariseerde boekhoustelsel gebruik nie, tensy sodanige stelsel of verandering daaraan [deur die Raad goedgekeur en deur die SABS gesertifiseer is.] ooreenstem met 'n toepaslike verpligte spesifikasie en die Raad het sodanige gerekenariseerde boekhoustelsel, of wysiging daaraan, met 'n magtigingsbrief-sertifikaat, afsonderlik goedgekeur. Waar daar geen toepaslike verpligte spesifikasie is nie, moet sodanige boekhoustelsel ooreenstem met 'n norm of standaard vir gerekenariseerde boekhoustelsels, soos bepaal deur die Raad.”;

(b) deur die vervanging van subartikel (2) deur die volgende subartikel:

“(2) Enige persoon wat 'n gerekenariseerde boekhoustelsel [of enige verandering aan 'n goedgekeurde gerekenariseerde boekhoustelsel] wil ontwikkel, vervaardig of wysig, of aan 'n persoon wat ingevolge artikel 94 of 110 gelisensieer is, 'n gerekenariseerde boekhoustelsel wil verskaf, moet by

die Raad op die wyse deur die Raad voorgeskryf, aansoek doen om goedkeuring en registrasie van sodanige stelsel of verandering daaraan, en sodanige aansoek moet vergesel gaan van die betrokke aansoek- en ondersoekgeld wat in [b] Bylae 2 voorgeskryf word, welke gelde aan die Raad betaalbaar is.”;

(c) deur die vervanging van subartikel (3) deur die volgende subartikel:

“(3) Die Raad kan –

(a) ’n gerekenariseerde boekhoustelsel of verandering daaraan voorwaardelik of onvoorwaardelik goedkeur of [dit]verwerp; of

(b) ’n aansoek na die vervaardiger of verskaffer daarvan terugverwys vir die indiening van verdere inligting.”;

(d) deur die vervanging van subartikel (4) deur die volgende subartikel:

“(4) Die Raad kan vereis dat ’n persoon wat gelisensieer is kragtens artikel 94 of 110 elektroniese kommunikasie daarstel tussen sodanige moniteringstelsel [as wat] soos die Raad kan bepaal, en die goedgekeurde gerekenariseerde boekhoustelsel wat gebruik word deur sodanige persoon. [moet koppel]”; en

(e) deur die invoeging na subartikel (4) van die volgende subartikels:

“(5) Die Raad moet ’n opgedateerde register byhou wat toeganklik moet wees, deur elektroniese middele, vir elke houer van ’n beroepswedderslisensie.

(6) Die register bedoel in subartikel (5) moet, ten opsigte van elke gerekenariseerde boekhoustelsel goedgekeur deur die Raad –

(a) die identifikasienommer van die teenswoordige goedgekeurde weergawe; en

(b) die datum van goedkeuring van sodanige weergawe, spesifiseer.”.

Wysiging van artikel 124 van Wet 8 van 2010

[40.]41. Artikel 124 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 124 deur die volgende artikel:

“Weddenskappe met beroepswedder, bestuurder en totalisator

124. Enige persoon, behalwe ’n persoon wat as ’n inspekteur kragtens artikel 81

aangestel is of 'n lid of werknemer van die Raad, wat 18 jaar of ouer is, kan weddenskappe met 'n beroepswedder, bestuurder, totalisatorlisensiehouer, totalisatoroperateur, totalisatorbestuurder of totalisatoragent aangaan op enige perdewedren, sportgebeurtenis of ander gebeurtenis of gebeurlikheid: Met dien verstande dat sodanige weddenskappe ingevolge hierdie Wet aangegaan word en met dien verstande verder dat ongeag die ligging van die wedder wanneer die wed aangegaan word, die wed beskou word as aangegaan op die gelisensieerde perseel van die tersaaklike beroepswedder, bestuurder, totalisatorlisensiehouer, totalisatoroperateur, totalisatorbestuurder of totalisatoragent.".

Wysiging van artikel 125 van Wet 8 van 2010

[41.]42. Artikel 125 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 125 deur die volgende artikel:

"Middellike verantwoordelikheid

125. 'n Totalisatorlisensiehouer of beroepswedder, met betrekking tot die aktiwiteite gemagtig deur die betrokke lisensie, is middellik verantwoordelik vir die doen en late van die werknemers van sodanige totalisatorlisensiehouer of beroepswedder."

Wysiging van artikel 128 van Wet 8 van 2010

[42.]43. Artikel 128 van die Hoofwet word hiermee gewysig deur die vervanging van subartikel (1) deur die volgende subartikel:

"(1) 'n Beroepsweddersonderneming moet van die bedrag wat 'n wedder wen, uitgesonderd die bedrag wat deur die wedder gewaag is, die belasting en aftrekkings soos bepaal in die KwaZulu-Natal Belastingwet op Dobbeldary en Weddery, 2010, (Wet No. 9 van 2010), aftrek en sodanige gelde [aan] in die [Raad] Provinsiale Inkomstefonds, ooreenkomstig die bepalings van artikel [129] 77, inbetaal.".

Wysiging van artikel 129 van Wet 8 van 2010

[43.]44. Artikel 129 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van subartikel (1) deur die volgende subartikel:

"(1) Elke beroepswedder moet binne 10 dae na die einde van elke maand –

- (a) alle gelde wat ingevolge artikel 128(1) van wedders afgetrek is, **[asook] sowel as** die belasting op weddery en aftrekkings soos bepaal ingevolge die KwaZulu-Natal Belastingwet op Dobbelaar en Weddery, 2010, **[aan] in die [Raad] Provinsiale Inkomstefonds in**betaal; en
- (b) **[by] die [Raad] die belastingopgawes indien, in ooreenstemming met artikel 77** in die vorm wat ingevolge artikel 7(2)(k) bepaal word.; en
- (b) deur die skraping van subartikel (3).”.

Wysiging van artikel 131 van Wet 8 van 2010

[44.]45. Artikel 131 van die Hoofwet word hiermee gewysig deur die vervanging vir artikel 131 deur die volgende artikel:

“Totalisatoroperateur se opgawes en betaling van belasting en aftrekkings

131. Elke totalisatorlisensiehouer moet **[binne 10 dae na die einde van elke maand by die Raad] n belastingopgawe, in ooreenstemming met artikel 77,** in die vorm wat ingevolge artikel 7(2)(k) voorgeskryf word, indien en moet terselfdertyd **[aan] in die [Raad] Provinsiale Inkomstefonds, [op die wyse wat deur die Raad voorgeskryf of bepaal word,]** die betrokke aftrekkings volgens die inligting vervat in die betrokke **belastingopgawe, in**betaal.”.

Herroeping van artikel 132 van Wet 8 van 2010

[45.]46. Artikel 132 van die Hoofwet word hiermee herroep.

Wysiging van artikel 134 van Wet 8 van 2010

[46.]47. Artikel 134 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 134 deur die volgende artikel:

“Koste van ondersoek

134. Indien die Raad n ondersoek onderneem om die geskiktheid te bepaal van n ondersoeker met betrekking tot die toestaan van enige lisensie, registrasie of magtiging wat kragtens hoofstuk 13, 14, 15 of 16 vereis word, of vir die goedkeuring van n gerekenariseerde boekhoustelsel, moet die Raad die aansoeker aansê om aan die Raad die bedrag te betaal wat deur die Raad bereken word vir die **[werklike] koste** vir die Raad ten opsigte van sodanige

ondersoek [is], ingesluit die kostes wat aangegaan word ten opsigte van tyd wat deur werknemers van die Raad gespandeer word tydens die uitvoer van die ondersoek waar dit voorkom as 'n tarief in Bylae 2."

Wysiging van artikel 137 van Wet 8 van 2010

[47.] Artikel 137 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van subartikel (1) deur die volgende subartikel:

**[Perdewedren- en Weddenskaptransformasiefonds]
Transformasiefonds**

"137.(1) Daar word hierby 'n fonds, wat as die **[Perdewedren- en Weddenskaptransformasiefonds] Transformasiefonds** bekend sal staan, ingestel.";

(b) deur die vervanging van subartikel (2) deur die volgende subartikel:

"(2) Enige fondse wat bestem is vir die ontwikkeling van sport en wat in trust gehou word deur die komitee bedoel in artikel 21A van die Ordonnansie op die Regulering van Wedrenne en Weddery, 1957 (Ordonnansie No. 28 van 1957), moet op die dag waarop hierdie Wet in werking tree, in die **[Perdewedren- en Weddenskaptransformasiefonds] Transformasiefonds**, wat kragtens hierdie artikel ingestel word, gestort word.";

(c) deur die vervanging van subartikel (3) deur die volgende subartikel:

"(3) Die verantwoordelike Lid van die Uitvoerende Raad kan uit gelde wat deur die Provinsiale Wetgewer vir hierdie doel bewillig word en behoudens sodanige voorwaardes wat hy of sy oplaë, toekennings aan die **[Perdewedren- en Weddenskaptransformasiefonds] Transformasiefonds** doen.";

(d) deur die vervanging van subartikel (4) deur die volgende subartikel:

"(4) Die bates van die **[Perdewedren- en Weddenskaptransformasiefonds] Transformasiefonds** moet, behoudens die voorafgaande goedkeuring van die verantwoordelike Lid van die Uitvoerende Raad, gebruik word vir die doeleindes van die verwesenliking van die oogmerke van die Raad bedoel in artikel 6(1)(c), (d) en (e).";

(e) deur die vervanging van subartikel (5) deur die volgende subartikel:

"(5) Die Raad moet 'n afsonderlike bank- of spaarrekening by 'n bankinstelling of bouvereniging in KwaZulu-Natal open en in stand hou en alle gelde wat

- aan die **[Perdewedren- en Weddenskaptransformasiefonds]** Transformasiefonds uit enige bron toeval, daarin deponeer.”;
- (f) deur die vervanging van subartikel (6) deur die volgende subartikel:
- “(6) Die rente op gelde wat ingevolge subartikel (3) en (4) gedeponeer word, val aan die **[Perdewedren- en Weddenskaptransfonds]** Transformasiefonds toe.”;
- (g) deur die vervanging van subartikel (7) deur die volgende subartikel:
- “(7) Die Raad moet afsonderlike en behoorlike rekenkundige rekords hou ten opsigte van **[Perdewedren- en Weddenskaptransformasiefonds]** Transformasiefonds wat besonderhede bevat van enige gelde of rente op gelde ontvang en enige gelde betaal.”;
- (h) deur die vervanging van subartikel (8) deur die volgende subartikel:
- “(8) Geen bedrag wat tot die krediet van die **[Perdewedren- en Weddenskaptransformasiefonds]** Transformasiefonds staan, mag beskou word as ’n deel uit te maak van die bates van die Raad nie en mag ook nie namens ’n krediteur of krediteure van die Raad beslag op gelê word nie.”; en
- (i) deur die vervanging van subartikel (9) deur die volgende subartikel:
- “(9) Die rekenkundige en ander verbandhoudende rekords van die **[Perdewedren- en Weddenskaptransformasiefonds]** Transformasiefonds moet op koste van die Raad deur die Ouditeur-generaal geouditeer word.”.

Wysiging van artikel 146 van Wet 8 van 2010

[48.]49. Artikel 146 van die Hoofwet word hiermee gewysig –

- (a) deur die vervanging van paragraaf (s) deur die volgende paragraaf:
- “(s) die regulering van en beheer oor vermaaklikheidsmasjiene, soos bedoel in die **[op]** Nasionale Dobbeltwet; **[en]**”;
- (b) deur die vervanging van paragraaf (t) deur die volgende paragraaf:
- “(t) enige ander aangeleentheid wat nodig is vir die verwesenliking van die oogmerke en doelwitte van die KwaZulu-Natal Belastingwet op Dobbeltary en Weddery, 2010 (Wet No. 9 van 2010) **[.]**”;
- (c) deur die invoeging na paragraaf (t) van die volgende paragraaf:
- “(u) die maksimum getal van enige lisensietipe wat deur die Raad uitgereik kan word; en
- (v) beperkings op die nabyheid van enige tipe dobbeltary en weddery

afsetpunt aan enige ander tipe dobbelary en weddery afsetpunt.”.

Kort titel

[49.]50. Hierdie Wet word die KwaZulu-Natal Wysigingswet op Dobbelary en Weddery, 201[5]7 genoem.

[Umbhalo wesiNgisi unyathelwe nguNdunankulu]

**UMTHETHO
WOKUCHIBIYELA UMTHETHO WAKWAZULU-
NATALI WEMIDLALO YEMALI NOKUBHEJA, 2017**
(Umthetho Na. 04 ka 2017)

Uvunywe ngomhlaka 03-10-2017

UMTHETHO

Wokuchibiyela uMthetho WaKwaZulu-Natali Wemidlalo Yemali Nokubheja, ka-2010, ukuze kuchitshiyelwe umbhalo; kufakwe izincazelo nezinhlinzeko ezintsha; nokuhlinzekela okunye okuphathelene nalokho.

MAWUMISWE yisiShayamthetho sesiFundazwe saKwaZulu-Natali, kanje:-

Ukuchitshiyelwa kwesigaba 1 soMthetho 8 ka 2010

1. Ngalokhu kuchitshiyelwa isigaba 1 soMthetho WaKwaZulu-Natali Wemidlalo Yemali Nokubheja, ka-2010 (uMthetho No. 8 ka-2010), ngemuva kwalokhu ozobizwa ngoMthetho omkhulu –

(a) ngokuthi kufakwe esikhundleni sencazelo yegama "ibhingo" le ncazelo elandelayo:

“ibhingo” kushiwo umdlalo, [ohlelwe njengento eyenziwa iqoqo labantu, lapho abadlali abaningi beqhudelana khona, kubandakanya umdlalo] noma ngabe udlalwa uwonke, noma ingxenye yawo idlalwa ngemishini kagesi [ngendlela ejwayelekile], noma ngenye indlela –

(a) [odlalwa] ngokuthi kusetshenziswe amakhadi noma esinye isigqebhezana zokudlala, kubandakanya izigqebhezana ezimele amakhadi –

(i) ohlukaniswe ngezikhala, onezinombolo, onezithombe noma onezimpawu ezahlukene; futhi

(ii) [onezinombolo] lezo zinombolo, izithombe noma izimpawu ezihlelwe ngendlela exovekile [lezo] ukuze ikhadi ngalinye noma isigqebhezana sokudlala [esicishe sifane] sibe nezinombolo, nezithombe noma nezimpawu zaso sodwa;

(b) lapho [umqhubi noma omemezelayo ebiza noma eveza] izinombolo eziningi, izithombe noma izimpawu zibizwa noma zivezwa ngendlela exovekile bese [abadlali beqhathanisa lezo zinombolo, lezo zithombe noma lezo zimpawu] lezo zinombolo, lezo zithombe noma lezo zimpawu ziqhathaniswa ngendlela efanele ekhadini noma esigqebhezaneni sokudlala njengoba [zinjalo] zibiziwe noma ziveziwe; futhi

(c) lapho umdlali [oba owokuqala] okhadi lakhe noma osigqebhezana sakhe sokudlala siba ngesokuqala [ukugondana] ukuba nazo zonke izikhala, noma [oqondanisa] okhadi lakhe noma osigqebhezana sakhe sokudlala sinezinombolo ezithile, nezithombe ezithile noma nezimpawu ezithile [ekhadini noma esigqebhezaneni sokudlala] siqondana, uthola umklomelo noma imiklomelo,

nanoma imuphi omunye umdlalo odlalwayo omenyezelwa njengomdlalo

webhingo ngokuhambisana nesigaba 6(4)(b) soMthetho wezokuGembula kaZwelonke, 2004 (uMthetho No. 7 ka 2004);”;

[(b) ngokuthi kufakwe ngemuva kwencazelo yegama “ilayisensi yebhingo” le ncazelo elandelayo:

““isihlalo sebhingo” kushiwo indawo eyodwa yokuhlala egumbini lebhingo;”;

[(c)](b) ngokuthi kufakwe esikhundleni sencazelo yegama “ubhuki” le ncazelo elandelayo:

““ubhuki” kushiwo umuntu [onikezwe] ilayisensi ngokwesigaba 94, yokwamukela okukhishwayo noma iziteki ngenhloso yokubhejisa emjahweni wamahhashi, kwezemidlalo, emcimbini wezemidlalo nakunoma imuphi umcimbi noma umbuthano noma kwinhlanganisela yaleyo mijaho yamahhashi, yemidlalo, yemicimbi yezemidlalo noma yeminye imicimbi noma imibuthano;”;

[(d)](c) ngokuthi kufakwe ngemuva kwencazelo yegama “ikomidi” le ncazelo elandelayo:

““amazinga ayimpogo” kushiwo amazinga ayimpogo njengoba kuchazwe esigabeni 1 soMthetho woHlaka oluLawula amaZinga ayiMpogo lukaZwelonke, 2008 (uMthetho No. 5 ka 2008);

“ukuhlola ukuhambisana namazinga ayimpogo” kushiwo ukuhlola ukuhambisana namazinga ayimpogo njengoba kuchazwe esigabeni 1 soMthetho woHlaka oluLawula amaZinga ayiMpogo lukaZwelonke, 2008 (uMthetho No. 5 ka 2008);

“ohlinzeka ngemisebenzi yokuhlola ukuhambisana namazinga ayimpogo” kushiwo umuntu owenza umsebenzi wokuhlola ukuhambisana namazinga ayimpogo egameni loHlaka oluLawula amaZinga ayiMpogo lukaZwelonke, ngokwesivumelwano okungenwe kusona phakathi kwalowo muntu noHlaka oluLawula amaZinga ayiMpogo lukaZwelonke;”;

[(e)](d) ngokuthi kufakwe esikhundleni sencazelo yegama “inkampani” le ncazelo elandelayo:

““inkampani” kushiwo inkampani ebhaliswe ngokoMthetho weziNkampani, [1973] 2008 (uMthetho No. [61] 71 ka [1973] 2008).

noma ibhizinisi lababambisene, [noma eyasungulwa ngokuhambisana ne-Odinensi Yokulawula Ezemijaho Yamahhashi, 1957 (i-Odinensi No. 28 ka 1957),] noma inkampani ezimele ebhaliswe ngokoMthetho Wezinkampani Ezizimele, ka-1984 (uMthetho No. 69 ka-1984));”;

[(f))(e) ngokuthi kufakwe esikhundleni sencazelo “ukuhlomula ngokwezezimali” le ncazelo elandelayo:

““ukuhlomula ngokwezimali” kushiwo –

(a) ilungelo noma igunya lokwabelana inzuzo noma imali engenayo;

[(b) ilungelo lobunikazi maqondana nempahla yenkampani noma yebhizinisi;] noma

[(c))(b)ilungelo lobunikazi noma elithinta umuntu ngqo emphahleni esetshenziwa inkampani noma ibhizinisi; [noma]

[(d) ukuhlomula ngqo noma ngandlela thile kumasheya ahambisana nelungelo lokuvota, noma emalungelweni okuvota ahambisana namasheya, enkampani noma ebhizinisi;] futhi

[(e)) (c) akubandakanyi –

(i) ukuhlomula ngandlela thile kunoma isiphi isikhwama noma ezimalini ezitshaliwe, uma umuntu ohlomulayo kulokho engenalo igunya oluLawula izinqumo ezithathiwe mayelana naleso sikhwama noma nalokho kutshalwa kwezimali;

(ii) nanoma iliphi igunya emalini engenayo eqongelelekayo kumuntu ngemuva kokungena esivumelwaneni sokuhlinzeka impahla noma imisebenzi kumuntu onelayisensi noma kumuntu obhalisiwe;”;

[(g))(f) ngokuthi kufakwe ngemuva kwencazelo yegama “umshini wokudlala” le ncazelo elandelayo:

““indawo yokudlala” kushiwo –

(a) umshini wokudlala owakhelwe ukusetshenziwa umuntu oyedwa kuphela;

(b) ingxenye yomshini wokudlala owakhelwe ukusetshenziwa abantu abangaphezu kowedwa, kodwa ekwazi ukufaka umuntu

oyedwa kuphela ukuba adlale;

(c) ingxenye yomshini wokudlala evumela kuphela ukuba kudlale umuntu oyedwa; noma

(d) isihlalo noma indawo yokuma ezakhiweni ezinelayisensi, evumela kuphela ukuba kudlale umuntu oyedwa;”;

[(h)](g) ngokuthi kufakwe ngemuva kwencazelo yegama “umshini wokudlala” le ncazelo elandelayo:

“umjaho wamahhashi adonsa izingola” kushiwo umjaho wamahhashi lapho amahhashi omtelebhele engancintisana, etelebhela, egitshele umuntu ehleli esihlalweni sehhashi, noma eqhutshwa umshayeli wengqukumbane edonswa ihhashi; Kuncike ekutheni ihhashi lomjaho eliwuhlobo oluthize lwehhashi lincintisana emjahweni, litelebhela, enkundleni yomjaho wamahhashi esebenza ngelayisensi yomqhubi wenkundla yomjaho wamahhashi, ithathwa niengendawo yomjaho wamahhashi adonsa izingola, ngezinhloso zalo Mthetho”;

[(i)](h) ngokuthi kwesulwe incazelo yegama “isiKhwama Sokuguqula Ezemijaho Yamahhashi Nezokubheja”;

[(j)](i) ngokuthi kufakwe esikhundleni sencazelo yegama “umqhubi wendawo ozimele” le ncazelo elandelayo:

“umqhubi wendawo ozimele” kushiwo umqhubi wendawo ongahlangene nomqhubi womzila futhi onelayisensi [yobunikazi] yokuqhuba imishini yokudlala ekhokha isamba esithile endaweni [eyodwa futhi obhekele ukunakekela imishini, ukuqoqa izimali ezidlaliwe nokukhokha intela nezinye izimali ezikhokhwayo];”;

[(k)](j) ngokuthi kufakwe ngemuva kwencazelo yegama “umhloli” le ncazelo elandelayo:

“Isitifiketi sencwadi yemvume” kushiwo isitifiketi esikhishwe uHlaka oluLawula amaZinga ayiMpogo lukaZwelonke, niengoba kuhlongozwe esigabeni 5(2)(f) soMthetho woHlaka oluLawula amaZinga ayiMpogo lukaZwelonke, 2008 (uMthetho No. 5 ka 2008), esigunyaza impahla noma imikhigizo ukuba idayiswe noma ihlinzekwe;”;

[(l) ngokuthi kususwe incazelo yegama “uMaziphathe wezemijaho yamahhashi kaZwelonke”;

[(m)](k) ngokuthi kufakwe ngemuva kwencazelo yegama “uMaziphathe wezemijaho yamahhashi kaZwelonke” le ncazelo elandelayo:

“i-NRCS” kushiwo uHlaka oluLawula amaZinga ayiMpogo lukaZwelonke olusungulwe ngokwesigaba 3(1) soMthetho woHlaka oluLawula amaZinga ayiMpogo lukaZwelonke, 2008 (uMthetho No. 5 ka 2008);”;

[(n)](l) ngokuthi kufakwe esikhundleni sencazelo yegama “umuntu” le ncazelo elandelayo:

““umuntu” kushiwo umuntu qobo [noma ngokomthetho, iqoqo labantu] noma inkampani, ngaphandle uma ingqikithi isho okwehlukile;”;

[(o)](m) ngokuthi kufakwe esikhundleni sencazelo yegama “ukushicilela” le ncazelo elandelayo:

“ukushicilela” kubandakanya, ngaphandle uma ingqikithi isho okwehlukile, ukukhangisa, ukusabalalisa, ukumemezela noma ukwenza ukuthi kukhangiswe noma kusatshalaliswe noma kumenyezwe nganoma iyiphi indlela;”;

[(p)](n) ngokuthi kufakwe esikhundleni sencazelo yagama “umqhubi wenkundla yemijaho” le ncazelo elandelayo:

“umqhubi wenkundla yemijaho” kushiwo umgwamanda, noma imigwamanda enelayisensi ngokwesigaba 89 ukubamba imihlangano yemijaho enkundleni yomijaho eyodwa noma ezinkundleni zemijaho ezingaphezu kweyodwa [futhi igama elichaza izinhlobo ezintathu zabaqhubi bezinkundla zemijaho ezihlongozwe esigabeni 89(1) salo Mthetho, –

(a) okungumqhubi wenkundla yemijaho onelungelo elingadluliseleki niengoba kuhlongozwe esigatshaneni 89(1)(a);

(b) okungumqhubi wenkundla yemijaho yamahhashi omtebhelo okuhlongozwe esigabeni 89(1)(b); kanye

(c) nomqhubi wenkundla yemijaho yamahhashi adonsa ingola okuhlongozwe esigabeni 89(1)(c);”;

[(q)](o) ngokuthi kufakwe esikhundleni sencazelo yegama “obhalisiwe” le ncazelo elandelayo:

““obhalisiwe” kushiwo umuntu onesitifiketi esisemthethweni sokubhaliswa noma onesitifiketi sesikhashana sokubhaliswa esikhishwe ngokwalo Mthetho;”;

[(r)](p) ngokuthi kufakwe esikhundleni sencazelo yegama “umqhubi womzila” le ncazelo elandelayo:

“**umqhubi womzila**” kushiwo umuntu othole ilayisensi ngokwalo Mthetho ukuze ahlinzeke imishini yokudlala ekhokha isamba esithile kubaqhubi bezindawo nokuqhuba eminye imisebenzi enqunyiwe;”;

[(s)](q) ngokuthi kufakwe ngemuva kwencazelo yegama “SABS” le ncazelo elandelayo:

“**i-SANS**” kushiwo iZinga likaZwelonke eNingizimu Afrika eligunyazwe uPhiko olubhekele amaZinga eMpahla lwaseNingizimu Afrika ngokuhambisana noMthetho wamaZinga eMpahla ka 2008;”;

“**uMthetho weZabelo**” kushiwo uMthetho weZabelo, 2004 (uMthetho No. 36 ka 2004);”;

[(t)](r) ngokuthi kufakwe esikhundleni sencazelo yegama “umqhubi wendawo” le ncazelo elandelayo:

“**umqhubi wendawo**” kushiwo umuntu ogunyazwe ukugcina nokuqhuba imishini yokudlala ekhokha isamba esithile [ezakhiweni zakhe] ngokwelayisensi ekhishwe ngokuhambisana nalo Mthetho;”;

[(u)](s) ngokuthi kufakwe ngemuva kwencazelo yegama “ukubhejela imidlalo” lencazelo elandelayo:

“**ihhashi lomtelebhelo**” kushiwo ihhashi eliyinzalo yehhashi elaziwa nge-Rysdyk’s Hambletonian, elazalwa ngonyaka ka we-1849 e-United States of America futhi elithathwa niengomnyombo oviduna walolu hlobo lwamahhashi;”;

“**umjaho wamahhashi omtelebhelo**” kushiwo umjaho wamahhashi laphe amahhashi omtelebhelo engancintisana khona, egitshelwe umuntu, egalobha noma etelebhela: Kuncike ekutheni umjaho wamahhashi laphe wonke amanye amahhashi encintisana ngokugalobha noma ngokutelebhela, enkundleni yomjaho elawulwa umqhubi wenkundla yemijaho yamahhashi omtelebhelo, uthathwa ngokuthi umjaho wamahhashi omtelebhelo, ngokwenhloso yalo Mthetho;”;

“**ingola**” kushiwo, uma isetshenziswa njengebizo, ingqokumbane, enesihlalo esisodwa somshayeli, edonswa ihhashi lomtelebhelo emjahweni wamahhashi adonsa izingola;”;

[(v)](t) ngokuthi kufakwe ngemuva kwencazelo yegama “lo Mthetho” le ncazelo elandelayo:

“ihhashi lomjaho” kushiwo ihhashi lomjaho eliyinzalo yelilodwa lalamahhashi amathathu aziwa njenge-Byerley Turk, i-Darley Arabian kanye ne-Godolphin Arabian;

“umjaho wamahhashi omjaho” kushiwo umjaho wamahhashi lapho kungancintisana khona amahhashi omjaho kuphela, agitshelwe umuntu;

[(w)](u) ngokuthi kufakwe ngemuva kwencazelo yegama “umqhubi wethotho” le ncazelo elandelayo:

“i-ejensi yomqhubi wethotho” kushiwo izakhiwo zomqhubi wethotho lapho i-ejenti yomqhubi wethotho, iqhubela khona i-ejensi yomqhubi wethotho, ngokwesivumelwano phakathi komqhubi wethotho naleyo ejenti yomqhubi wethotho;

[(x)](v) ngokuthi kufakwe esikhundleni sencazelo yegama “i-ejenti yomqhubi wethotho” le ncazelo elandelayo:

“i-ejenti yomqhubi wethotho” kushiwo umuntu oqokiwe, ngokwenkontileka kodwa okungesiyona inkontileka yokugashwa nangokwesigaba 111(1)(b)(ii), umqhubi wethotho onelayisensi, ukuba aqhube i-ejensi yalowo mqhubi wethotho onelayisensi;

[(y)](w) nangokuthi kufakwe ngemuva kwencazelo yegama “izakhiwo zomqhubi wethotho” le ncazelo elandelayo:

“isiKhwama soGuquko” kushiwo isikhwama esisungulwe ngokwesigaba 137 soMthetho.”

Ukuchitshiyelwa kwesigaba 6 soMthetho 8 ka 2010

2. Ngalokhu kuchitshiyelwa isigaba 6 soMthetho omkhulu –

(a) ngokuthi kufakwe esikhundleni sendima (c) yesigatshana (1) le ndima elandelayo:

“(c) ukugqugquzela amathuba abantu [ababencishwe amathuba phambilini] abahlongozwe kwincazelo ye-“broad-based black economic empowerment”, njengoba iqukethwe kwi-Broad-Based Black Economic Empowerment Act, 2003 (uMthetho No. 53 ka 2003), ukuba babambe iqhaza [emjahweni wamahhashi nasembonini yezokubheja] embonini yezokubheja yesiFundazwe [njenganoma yibaphi abantu okudingeka ukuba anikezwe ilayisensi noma abhaliswe ngokwesigaba 89, 94,

103, 110 noma 111] njengabanikazi bamalayisensi kanye nababhalise ngaphansi kwalo Mthetho;”;

(b) nangokuthi kufakwe esikhundleni sendima (d) yesigatshana (1) le ndima elandelayo:

“(d) ukukhulisa inani lobunikazi beziteki labantu [ababencishwe amathuba phambilini] abahlongozwe kwincazelo ye-“broad-based black economic empowerment”, njengoba iqukethwe kwi-Broad-Based Black Economic Empowerment Act, 2003 (uMthetho No. 53 ka 2003), [emijahweni yamahhashi kanye nasembonini yezokubheja] embonini yezokubheja yesiFundazwe;”;

(c) ngokususa isigatshana (2);[;][futhi

(d) nangokuthi kufakwe esikhundleni sesigatshana (3) isigatshana esilandelayo:

“(4) Ilungu Lomkhandlu Ophethe eliphethe lingakhapha imiyalelo kwiBhodi maqondana –

(a) Nanoma yiluphi uguquko lwenqubomgomo ephathelene nokugembula ekhona noma ehlosiwe olusukakuhulumeni osezingeni likazwelonke;

(b) Nanoma yiluphi uguquko lwenqubomgomo ephathelene nokugembula ekhona noma ehlosiwe olusuka eMkhandlwini Ophethe noma eMnyangweni;

Ukuze kulungiswe, kumiswe ukusebenza noma kumiswe noma yimuphi umklamo noma umthetho wenkantolo.”.]

Ukuchitshiyelwa kwesigaba 7 soMthetho 8 ka 2010

3. Ngalokhu kuchitshiyelwa isigaba 7 soMthetho omkhulu –

(a) ngokuthi kufakwe esikhundleni sendima (q) yesigatshana (2) le ndima elandelayo:

“(q) ukugunyaza, ngemibandela noma ngaphandle kwemibandela, noma ukuchitha isicelo esenziwe ngendlela engqunyiwe, umuntu onelayisensi ngokwesigaba [89,] 94 noma 110, [ngokuhambisana nesigaba 121,] ukuba abheje okwesikhashana, isikhathi esinqunyiwe, kunoma iyiphi indawo esiFundazweni [yemicimbi yezemidlalo noma yeminye imicimbi];”;

(b) nangokuthi kufakwe esikhundleni sendinyana (iii) yendima (g) yesigatshana

(3) le ndinyana elandelayo:

"(iii) yonke impahla yemidlalo yemali noma umshini ngamunye wokudlala noma umshini okhokha isamba esithile osetshenziswayo, noma owethulwa umnikazi welayisensi ukuba usetshenziswe, [ubhalisiwe futhi unesitifiketi ngokoMthetho Wezokugembula Kazwelonke] uyahlangabezana namazinga ayimpogo futhi ubhalisiwe iBhodi ngokuthi ukhishelwe isitifiketi sencwadi yemvume esisemthethweni."

Ukuchitshiyelwa kwesigaba 8 soMthetho 8 ka 2010

4. Isigaba 8 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokufaka esikhundleni sesigatshana (4) lesi sigatshana esilandelayo:

"(4) ILungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja [lingaqoka] kumele liqoke [isiphathimandla] esisodwa noma esingaphezu kwesisodwa eMnyangweni esibhekele izindaba zemidlalo yemali nokubheja, kanye nezindaba ezigondene ngqo neBhodi, [njengomuntu ozolimela] niengabantu abazolimela kwiBhodi futhi –

(a) nokumele aqinisekise ukuxhumana phakathi kweLungu loMkhandlu oPhethe elibhekele ezeziMali kanye neBhodi;

(b) okumele abike kwiLungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja njalo mayelana nezindaba ezithathwa njengezisemqoka; [nokuthi]

(c) angethamela imihlangano yeBhodi futhi abambe iqhaza ezingxoxweni, kodwa angabi nalo ilungelo lokuvota uma kuthathwa isinqumo seBhod[i:] nokuthi

(d) kumele aqaphe ukusebenza kweBhodi."

Ukuchitshiyelwa kwesigaba 9 soMthetho 8 ka 2010

5. Ngalokhu kuchitshiyelwa isigaba 9 soMthetho omkhulu ngokuthi kufakwe esikhundleni sendima (c) yesigatshana (1) le ndima elandelayo:

"(c) ngesikhathi eqokwa [, noma ezinyangeni eziyi-12 ezedlule ubewumuntu]

–

(i) uwumuntu [ohlongozwe esigabeni 8(1) soMthetho Wemisebenzi Kahulumeni, 1994 (Isimemezelolo No. 103 sika 1994); noma] ogashwe –

(aa) "uhlaka lukahulumeni" njengoba kuhlangezwe esigabeni 239 soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996;

(bb) "ibhizinisi likahulumeni" njengoba kuchazwe eMthethweni wezokuPhathwa kweziMali zikaHulumeni, 1999 (uMthetho No.1 ka 1999);

[(cc) igembu lezombusazwe;]

[(dd)] (cc) inoma isiphi isiShayamthetho sesifundazwe; noma

[(ee)](dd) isiShayamthetho sikaZwelonke; noma

(ii) uwumuntu onesikhundla kwezepolitiki."

Ukuchitshiyelwa kwesigaba 10 soMthetho 8 ka 2010

6. Ngalokhu kuchitshiyelwa isigaba 10 soMthetho omkhulu ngokuthi kufakwe esikhundleni

sendima (b) yesigatshana (3) le ndima elandelayo –

(b) incwadi efungelwe ngophakanyisiwe lapho ophakanyisiwe enika khona isiqinisekiso esifungelwe sokuthi akahoxisiwe ngokwesigaba 9 [: Kuncike ekutheni uma ophakanyisiwe eke walahlwa yicala ngokwephula umthetho ohlongozwe esigabeni 9(1)(j), lowo ophakanyisiwe kumele ahlinzeke incwadi efungelwe edalula imininingwane ephelele mayelana nokulahlwa kwakhe yicala futhi anikeze isiqinisekiso esifungelwe sokuthi akahoxisiwe ngokwanoma iziphi ezinye izinhlinzeko zesigaba 9];"

Ukuchitshiyelwa kwesigaba 13 soMthetho 8 ka 2010

7. Isigaba 13 soMthetho omkhulu ngalokhu siyasuswa bese kuthi esikhundleni saso kufakwe lesi sigaba esilandelayo:

"Isikhathi sokuqokelwa esikhundleni nokuqokelwa elinye ihlandla

13.(1) Abantu abaqokelwe kwiBhodi baba sezikhundleni isikhathi esiyiminyaka emithathu futhi, kuncike esigabeni 9, bangaphinde baqokelwe elinye ihlandla uma kuphela leso sikhathi: Kuncike ekutheni akekho umuntu ongaphinde aqokelwe elinye ihlandla uma eseqokelwe amahlandla amabili kwiBhodi **[Kuncike ekutheni].**

(2) Uma umuntu eqokelwe ukugcwalisa isikhala kwiBhodi isikhathi esisele

eminyakeni emithathu, leso sikhathi asithathwa njengehlandla ngokwezinhloso zokunquma ukufaneleka ukuqokelwa elinye ihlandla.

(3) Naphezu kokushiwo kwisigatshana (1), uma kuphela isikhathi sokuqokelwa esikhundleni noma uma iBhodi entsha ingakagokwa, amalungu akhona kumele aqhubeke asebenze kuze kuqokwe iBhodi entsha: Kuncike ekutheni lokho kwelulwa kwesikhathi akumele kweqe ezinsukwini ezingama-90."

Ukuchitshiyelwa kwesigaba 14 soMthetho 8 ka 2010

8. Isigaba 14 soMthetho Omkhulu sichitshiyelwa ngokuthi -

(a) kufakwe esikhundleni sesihloko sesigaba lesi sihloko sesigaba esilandelayo:

"Izikhala zomsebenzi, ukususwa, ukumiswa, ukuhlakazwa, ukusula ehhovisi

nokugcwaliswa kwezikhala"; nokuthi

(b) ukufakwa kwesigatshana (2) lezi zigatshana ezintsha:

(2A) Ilungu loMkhandlu Ophethe elibhekele Imidlalo Yemali Nokubheja lingamisa ilungu nangoma yingasiphi isikhathi emva kokuthi seliqalise izinqubo zokuphela kwesikhathi sokusebenza ehhovisi salelo lungu ngokwesigatshana (2).

(2B) Ilungu loMkhandlu Ophethe elibhekele Imidlalo Yemali Nokubheja emva kophenyo, lingahlakaza iBhodi ima lihluleka kulokhu okulandelayo -

_____ (a) ukwenza imisebenzi yalo yokuphatha nokunakekela izimali; or

_____ (b) ukwenza imisebenzi yalo ngokwesigaba 7.

Ukuchitshiyelwa kwesigaba 22 soMthetho 8 ka 2010

9. Isigaba 22 soMthetho omkhulu sichitshiyelwa ngokuthi kufakwe esikhundleni sendima

(b) yesigatshana (1) indima elandelayo:

"(b) ukwaba amandla ekomidini elisungulwe ngikwesigaba 18, kumsebenzi, noma ubani omunye umuntu noma umgwamanda, amandla, imisebenzi nezibophezelo zeBhodi ekuhlongozwe esigabeni 7(1)(f), (1)(h), (1)(j), (1)(k), (1)(l), (1)(n), (2)(a), (2)(a), (2)(f), (2)(g), (2)(i), (2)(j), (2)(l), (2)(m), (2)(n), (2)(o), (2)(p), (2)(q), (2)(r), kanye no-(2)(s).".

Ukuchitshiyelwa kwesigaba 23 soMthetho 8 ka 2010

[8.]10 Isigaba 23 soMthetho omkhulu sichitshiyelwa ngokuthi kufakwe esikhundleni (1) isigatshana esilandelayo:

"(1) IBhodi kumele ngokubonisana Nelungu Lomkhandlu Ophethe, liqoke umuntu

ofanelekile, onekhono nonesipiliyoni njengeSiphathimandla Esiphezulu Esiphethe seBhodi."

Ukuchitshiyelwa kwesigaba 24 soMthetho 8 ka 2010

[9.]11. Ngalokhu kuchitshiyelwa isigaba 24 soMthetho omkhulu ngokuthi kufakwe ngemuva kwesigatshana (2) lesi sigatshana esilandelayo:

["(3) Kunoma iziphi izimo lapho iBhodi ingakwazi ukuvuselela amalayisensi kanye nezitifiketi zokubhaliswa, noma ukubhekana nokwep hulwa koMthetho noma kwemithetho, isiKhulu esiPhezulu kumele –

(a) sisebenzise amandla aso, senze imisebenzi namajoka eBhodi ngokugcwele, njengoba kuhlongozwe eMthethweni, magondana nokuvuselelwa kwamalayisensi kanye nezitifiketi zokubhaliswa; futhi

(b) sisebenzise amandla eBhodi njengoba kuhlongozwe ezigabeni 7(1)(k), 7(1)(l) nesigaba 7(2)(g): Kuncike ekutheni isiKhulu esiPhezulu kumele sigale siqoke isazi somthetho esizimele esizokwengamela, sisebenzisana nesiKhulu esiPhezulu, noma iluphi uphenyo olwenziwayo ngokwezindima (a) no (b)."]

"(3) Ezimweni, kumbandakanya nokuhlakazwa kweBhodi ngokwesigatshana 14(2B), lapho iBhodi lingakwazi ukusebenzisa amandla alo ngokomthetho nokwenza imisebenzi yalo, Ilungu Lomkhandlu Ophethe kumele ngalokhu liqoke, isikhathi esingevile ezinsukwini eziyi-180, umphathi ofanele lokhu kuqokwa eBhodini ngokwesigaba 8(1) neses(2) futhi ongamisiwe ekutheni aqokwe kwiBhodi ngokwesigaba 9, ukuthi aqale asebenze futhi asebenzise amandla ngokugcwele, enze imisebenzi nemisebenzi yeBhodi, njengoba kuhlongozwe eMthethweni."

Ukufakwa kwesigaba 30A eMthethweni 8 ka 2010

[9.]12 Ngalokhu kufakwa lesi sigaba esilandelayo eMthethweni omkhulu ngemuva kwesigaba 30 –

"Imibandela yelayisensi nokubhalisa

30A.(1) IBhodi, ngemuva kokunikeza umnikazi welayisensi noma umuntu obhalisiwe ithuba lokwenza izethulo, lingabeka imibandela –

(a) ecacile nezwakalayo;

(b) elinganisekayo; futhi

(c) efezekayo,

uma likhipha noma iyiphi ilayisensi noma isitifiketi sokubhalisa, noma uma livuselela noma iyiphi ilayisensi noma isitifiketi sokubhalisa.

(2) Umnikazi welayisensi noma umuntu obhalisiwe angafaka isicelo noma inini kwiBhodi sokuthi kuchitshiyelwe, kushintshwe noma kuhoxiswe noma imuphi umbandela, kanti iBhodi ingasamukela noma isichithe leso sicelo: Kuncike ekutheni uma kwenzeka ukuthi ukuchitshiyelwa, ukushintshwa noma ukuhoxiswa kwanoma imuphi umbandela ohambisana nelayisensi kungaphazamisa ukufezekiswa nokugqugquzelwa kwezinhloso zeBhodi ngokwesigaba 6 soMthetho, iBhodi ingachibiyela, ingashintsha noma ingahoxisa lowo mbandela, uma isibonisene neLungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja.

(3) Uma isicelo sesigunyaziwe, isiKhulu esiPhezulu kumele sigunyaze ukufakwa kwaleso sichibiyelo, kwalolo shintsho noma kwalokho kuhoxiswa kwilayisensi noma esitifiketini sokubhaliswa.

(4) Ngaphezu –

(a) kwamandla athile eBhodi okubeka imibandela yelayisensi noma yokubhaliswa, njengoba kuhlinzekelwe kwenye indawo kulo Mthetho;

(b) nemibandela ephogayo yelayisensi noma yokubhaliswa, njengoba kuhlinzekelwe kwenye indawo kulo Mthetho.

iBhodi ingabeka izinhlobo zemibandela yelayisensi ebalulwe esigatshaneni (5).

(5) Kuncike esigatshaneni (4) nangale kwamandla ajoyikelele eBhodi okubeka imibandela engaqondile ngqo yelayisensi noma yokubhaliswa, iBhodi ingabeka imibandela [engaphikisani] ephikisana nanoma iyiphi inhlinzeko yoMthetho, nanoma imuphi omunye umthetho kazwelonke nophathelene –

(a) nezinhloso zeBhodi ngokwesigaba 6;

(b) nanoma imiphi imigomo, imibandela, umyalelo noma isinqumo esikhishwe noma esenziwe iLungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja ngokwesigaba 6, 47, 89 no 137; kanye

(c) nezigwebo iBhodi engazinika umnikazi welayisensi noma umuntu obhalisiwe, ezimweni lapho iBhodi ithole ukuthi umnikazi welayisensi

noma umuntu obhalisiwe wephule lo Mthetho.

(6) IBhodi kumele ibeke umbandela kuwo wonke amalayisensi lowo mbandela ocacisa ukuthi ilayisensi kumele iphelelwe isikhathi futhi ingavuseleleki, uma umnikazi welayisensi ehluleka ukuqala ibhizinisi lokuqembula ngokwaleyo layisensi, ezinyangeni ezingama-24 enikwe leyo layisensi: Kuncike ekutheni iBhodi lapho kucelwe ukwelulwa kwesikhathi selayisensi futhi enikeze iBhodi izizathu ezizwakalayo nobufakazi bokuthi kuvunywe isicelo, lingalusa isikhathi esiyizinyanga ezingama-24 ngokuthi kululwe futhi isikhathi esingangezinyanga eziyi-12.

(7) Naphezu kokushiwo esigatshaneni (2), umbandela ophoqayo ohlongozwe esigatshaneni (6) angeke uchitshiyelwe iBhodi."

Ukuchitshiyelwa kwesigaba 32 soMthetho 8 ka 2010

1[0]3. Ngalokhu kuchitshiyelwa isigaba 32 soMthetho omkhulu ngokuthi kufakwe esikhundleni sendima (a) yesigatshana (1) le ndima elandelayo:

"(a) uwumuntu –

(i) [ohlongozwe esigabeni 8(1) soMthetho wemiSebenzi kaHulumeni, 1994 (iSimemezelo No. 103 sika 1994), noma unikezwe amandla okuthatha izinqumo noma ijoka lokuqapha ubugebengu mayelana nokugembula noma nokulawulwa kwakho; noma] oqashwe –

(aa) "uhlaka lukahulumeni" njengoba kuhlongozwe esigabeni 239 soMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, 1996;

(bb) "ibhizinisi likahulumeni" njengoba kuchazwe eMthethweni wezokuPhathwa kweziMali zikaHulumeni, 1999 (uMthetho No.1 ka 1999);

[(cc) iqembu lezombusazwe;]

[(dd)](cc) inoma isiphi isiShayamthetho sesifundazwe; noma

[(ee)](dd) isiShayamthetho sikaZwelonke; noma

(ii) onesikhundla ngokwezepolitiki; noma

(iii) oyilungu lomgwamanda onesibopho sokubika webhizinisi likahulumeni njengoba lichazwe esigabeni 1 futhi lihlongozwe esigabeni 49 soMthetho wokuPhathwa kweziMali zikaHulumeni, 1999 (uMthetho No. 1 ka 1999).

[Ukufakwa kwesigaba 32A eMthethweni 8 ka 2010

11. Ngalokhu kufakwa lesi sigaba esilandelayo emthethweni okhona ngemuva kwesigaba

32 – "Isikhathi sokubhaliswa kwabasebenzi

32A.(1) Lesi sigaba sisebenza kubo bonke abantu qobo abaqashwe abanikazi bamalayisensi noma abantu ababhalisiwe futhi okudingeka ukuthi babhaliswe iBhodi ngokwanoma iyiphi inhlinzeko yalo Mthetho noma yeMithethonqubo.

(2) Isitifiketi sokubhaliswa komsebenzi, ngaphandle uma sisulwa iBhodi, sisebenza isikhathi okungenani esiyizinyanga ezingama-36 kusukela osukwini esikhishwe ngalo.

(3) Uma sekuphele izinyanga ezingama-36 ezihlongozwe esigatshaneni (1), isitifiketi sokubhaliswa siyaghubeka nokusebenza isikhathi esithile, kuze kushaye usuku lokugcina lwenyanga azalwa ngayo umsebenzi obhalisiwe, ngemuva kosuku lokuzalwa olulandelayo lomsebenzi obhalisiwe.

(4) Isicelo sokuvuselelwa kwesitifiketi sokubhaliswa esinikwe umsebenzi ngokwalesi sigaba kumele senziwe ngendlela engunywe iBhodi futhi sihambisane nemali ebalulwe oHlelweni 2.".]

Ukuchitshiyelwa kwesigaba 40 soMthetho 8 ka 2010

1[2]4. Ngalokhu kuchitshiyelwa isigaba 40 soMthetho omkhulu ngokuthi kufakwe esikhundleni sendinyana (ii) yendima (g) yesigatshana (1) le ndinyana elandelayo:

"(ii) ongahlangabezani ngandlela zonke [namazinga namaqophelo kazwelonke] namazinga ayimpogo abekiwe noma namazinga namaqophelo anqunywe iBhodi; noma".

Ukuchitshiyelwa kwesigaba 43 soMthetho 8 ka 2010

1[3]5. Ngalokhu kuchitshiyelwa isigaba 43 soMthetho omkhulu –

(a) ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

"Ukudluliselwa kwelayisensi noma isitifiketi sokubhalisa";

[(a))(b) ngokufaka esikhundleni sesigatshana (1) isigatshana esilandelayo:

"(1) Umnikazi welayisensi noma umuntu obhalisiwe njengokuhlongoza kweSahluko 10 ongeyena umsebenzi womuntu onelayisensi noma womuntu obhalisiwe, [noma nini] okungenani zingakapheli izinsuku ezingama-60 ngaphambi kosuku oluhlose ukuthi iqale ukusebenza, angafaka isicelo kwiBhodi sokuthi leyo layisensi [yakhe] noma leso sitifiketi sokubhaliswa sidluliselwe komunye umuntu futhi, uma kuba njalo, [kuyosebenza] izinhlinzeko zezigaba 30, 31, 32, 33, 34, 35, 36, 37 no 38 zisebenza ngokushesha, nezinguquko ezidingekayo[.] kumuntu olayisensi noma isitifiketi sokubhalisa sidluliselwa kuye."; futhi

(b) nangokuthi kufakwe esikhundleni sesigatshana (3) lesi sigatshana esilandelayo:

"(3) Uma isicelo sigunyaziwe, isiKhulu esiPhezulu kumele [sishintshe igama lomnikazi welayisensi ngendlela efanele kwilayisensi] sinike umnikazi omusha welayisensi noma wesitifiketi sokubhalisa ilayisensi noma isitifiketi sokubhalisa njengoba kungaba njalo."

Ukufakwa kwesigaba 43A eMthethweni 8 ka 2010

1[4]6. Ngalokhu kufakwa lesi sigaba esilandelayo eMthethweni omkhulu ngemuva kwesigaba 43 –

["Ukuhlomula ngokwezezimali

43A.(1) IBhodi kumele ngezikhathi ezithile nangohlelo oluthile iqinisekise ukuthi abantu abahlomulayo ngokwezezimali kumnikazi welayisensi noma kumuntu obhalisiwe akubona abantu abangakufanele lokho kuhlomula, ngokwesigaba 32 salo Mthetho.

(2) Kuyicala kumnikazi welayisensi noma kumuntu obhalisiwe ukwehluleka ukudalula kwiBhodi imininingwane yanoma ikuphi ukuhlomula ngokwezezimali kwanoma imuphi umuntu ngamaphesenti ayisihlanu noma ngaphezulu kulowo mnikazi welayisensi noma lowo muntu obhalisiwe, uma sekwedlule izinsuku ezingama-30 lowo mnikazi welayisensi noma lowo muntu obhalisiwe etholile ukuthi kunalokho kuhlomula, noma okulindeleke ukuthi ngabe wazile ngalokho kuhlomula: Kuncike ekutheni inkampani

enezabelo ehweba ngazo kunoma iziphi izimakethe, kudingeka ukuthi ithole ngalokho kuhlomula bese ibika ngakho, njalo ngemuva kwezinyanga eziyisithupha uma sekukhishwe ilayisensi noma isitifiketi sokubhaliswa saleyo nkampani.

(3) Uma umnikazi welayisensi noma umuntu obhalisiwe kuyinkampani ebhalise izabelo zayo ehweba ngazo kunoma iziphi izimakethe, ngaphezu kwesaziso esihlongozwe kwisigatshana (3), lowo mnikazi welayisensi noma lowo muntu obhalisiwe kumele kanye nalokho athumele kwiBhodi irejista yalezo zabelo evuselelwe.

(4) Oqala ukuhlomula ngokwezezimali ngqo kumnikazi welayisensi noma kumuntu obhalisiwe, kudingeka ukuba adalule kwiBhodi imininingwane yalokho kuhlomula, ezinsukwini ezingama-60 kugale lokho kuhlomula, ngendlela enqunywe iBhodi.

(5) Ohlomulayo ngokwezezimali kumnikazi welayisensi noma kumuntu obhalisiwe ngamaphesenti ayisihlanu noma ngaphezulu ebhizinisini lomnikazi welayisensi noma lomuntu obhalisiwe, kumele afake isicelo sokugunyazwa ukughubeka nalokho kuhlomula, ngokulandela izinqubo kanye nezidingo ezihlongozwe ezigabeni 32, 33, 34, 35, 36, 37 no 38, eziyosebenza esicelweni, nezinguquko ezidingekayo.

(6) Uma iBhodi isola, ngezizathu ezizwakalayo nezifanele, ukuthi ohlomulayo ngokwezezimali kumnikazi welayisensi noma kumuntu obhalisiwe, uhlomula ngamaphesenti angaphansi kwayisihlanu ebhizinisini lomnikazi welayisensi noma lobhalisiwe, angenqatshelwa, ngokwesigaba 32, ukuba aqhubeke nalokho kuhlomula ngokwezezimali, lowo muntu angacelwa iBhodi ukuba afake isicelo sokugunyazwa ukuba aqhubeke nokuhlomula ngokwezezimali, ngokulandela izinqubo nezidingo ezihlongozwe esigabeni 32, 33, 34, 35, 36, 37 no 38, eziyosebenza esicelweni, nezinguquko ezidingekayo.

(7) Inkampani elawula noma iyiphi enye inkampani enelayisensi noma ebhaliswe ngaphansi kwalo Mthetho ibophezelwe izinhlinzeko zezigatshana

(2) no (3), sengathi leyo nkampani elawula enye inkampani yona ugobo inelayisensi noma ibhaliswe ngaphansi kwalo Mthetho futhi noma iyiphi inkampani elawula enye inkampani ehluleka ukuhambisana nalezi zinhlinzeko yephula umthetho: Kuncike ekutheni iBhodi akumele inikeze inkampani elawulalwa omunye umuntu ngokomthetho ilayisensi noma isitifiketi sokubhaliswa.

(8) Inkampani elawulwa ngokugcwele omunye umuntu ngokomthetho, ngosuku okumenyezwe ngalo lesi sigaba, esenelayisensi noma esabhaliswe ngaphansi kwalo Mthetho, kumele ifake isicelo kwiBhodi, zingakapheli izinsuku eziyi-120 kumenyezwe lesi sigaba, ngokwesigaba 43 salo Mthetho, segunya lokudlulisela leyo layisensi noma leso sitifiketi sokubhaliswa enkampanini eyilawulayo, uma ingakwenzanga lokho, leso sitifiketi noma lokho kubhalisa angeke kusasebenza.

(9) Ngokwezinhloso zalesi sigaba –

"izimakethe" uma leli gama lisetshenziswa njengebizo, kushiwo izimakethe njengoba kuchazwe esigabeni 1 soMthetho weZabelo, 2004 (uMthetho No. 36 ka 2004);

"inkampani elawula enye inkampani" kushiwo inkampani elawula enye inkampani njengoba kuchazwe esigabeni 1 soMthetho weziNkampani, 2008 (uMthetho No. 71 ka 2008);

"izabelo ezibhalisiwe" kushiwo izabelo ezibhalisiwe njengoba kuchazwe esigabeni 1 soMthetho weZabelo, 2004 (uMthetho No. 36 ka 2004);

"inkampani" kushiwo noma iyiphi inkampani njengoba kuchazwe esigabeni 1 soMthetho weZabelo, 2004 (uMthetho No. 36 ka 2004);

"izabelo" kushiwo izabelo njengoba kuchazwe esigabeni 1 soMthetho weZabelo, 2004 (uMthetho No. 36 ka 2004); kanti

"irejista yezabelo" kushiwo irejista yezabelo njengoba kuchazwe esigabeni 1 soMthetho weziNkampani, 2008 (uMthetho No. 71 ka

2008).".

"inkampani elawulwayo" kushiwo inkampani elawulwayo njengoba kuchazwe esigabeni 1 soMthetho weziNkampani, 2008 (uMthetho No. 71 ka 2008);

"inkampani elawulwa ngokugcwele omunye umuntu ngokomthetho" inencazelo ehlongozwe esigabeni 3(1)(b) soMthetho weziNkampani, 2008 (uMthetho No. 71 ka 2008)."]

43A.(1) IBhodi kumele ligaphe umnikazi welayisensi nababhalisiwe izikhathi eziningi ukuze kuncishiswe ubungozi bokuthi abantu abazuza ngokwezimali ekubeni abanikazi belayisensi noma ababhalisiwe bayekiswe ukuzuza ngale ndlela, ngokwesigaba 32 soMthetho.

(2) Umnikazi welayisensi noma obhalisiwe kumele adalule eBhodini futhi zingakapheli izinsuku ezingama-30 itholakele, ngendlela engunywe yiBhodi, adalule imininingwane yokuthola inzuzo yemali etholakala ngqo noma ngenye indlela engamaphesenti ayi-10 noma ngaphezulu kumnikazi welayisensi noma obhalisiwe, uma othola inzuzo kuvisikhungo esitshala izimali, umtshalizimali ohweba nezinye izinkampani emphakathini, isikhungo esiqcina izimali, inkampani eqcina izimali zamasheya nokuhambisana nakho, noma inkampani eqcina izimali ezihweba kwintengo yemali.

(3) Noma yimuphi othola inzuzo yemali ngqo noma ngenye indlela ngobunikazi belayisensi noma ngobhalisiwe engamaphesenti amahlanu noma ngaphezulu emabhizinisini aphathelene nelayisensi noma nokubhaliswa, kumele afake isicelo segunya lokucina leyo nzuzo yemali, ngokuthi alandele izinqubo nezidingo ezihlongozwe esigabeni 32, 33, 34, 35, 36, 37, kanye nesigaba 38, ezisetshenziswa kwizicelo ezifakiwe kanye noshintsho oludingekile.

(4) Ngezinhloso zalesi sigaba –

"Intengo yemali" uma kusetshenziswa njengebizo, kusho intengo yemali njengoba kuchazwe esigabeni 1 soMthetho Wentengo Yemali (uMthetho No. 19 ka 2012);

“Inkampani egcina amasheya nokuhambisana nakho” kusho inkampani egcina amasheya nokuhambisana nakho njengoba kuchazwe esiqabeni 1 soMthetho Wentengo Yemali (uMthetho No. 19 ka 2012);

“Inkampani ehlweba nezinkampani zomphakathi” kusho inkampani ehweba nezinkampani zomphakathi njengoba kuhlongozwe esiqabeni 8 soMthetho Wezinkampani 2008 (uMthetho No. 71 ka 2008); kanye

“Izimali ezingamasheya” kusho izimali ezingamasheya njengoba kuchazwe esiqabeni 1 soMthetho Wentengo Yemali (uMthetho No. 19 ka 2012).”

Ukuchitshiyelwa kwesigaba 44 soMthetho 8 ka 2010

1[5]7. Ngalokhu kuchitshiyelwa isigaba 44 soMthetho omkhulu –

(a) ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

“(1) Umnikazi welayisensi noma umuntu obhalisiwe ongesiyse umsebenzi womnikazi welayisensi noma umuntu obhalisiwe, noma nini, angafaka isicelo sokugunyazwa ukushintsha [ukususa], okungaba okwesikhashana noma unomphelo, indawo yokusebenza yebhizinisi [lakhe] lomnikazi welayisensi noma lobhalisiwe, lisuka ezakhiweni ezibhalwe kwilayisensi noma esitifiketini sokubhaliswa liyiswa kwezinye izakhiwo.”;

(b) nangokuthi kufakwe ngemuva kwesigatshana (3) lesi sigatshana esisha esilandelayo:

“(4) IBhodi kumele inqume inqubo okumele ilandelwe uma kwenziwa isicelo sokugunyazwa esihlongozwe kwisigatshana (1).

(5) Isicelo esihlongozwe kwisigatshana (1) kumele sihambisane nemali ekhokhwayo engunywe oHlelweni 2.”

Ukuchitshiyelwa kwesigaba 47 soMthetho 8 ka 2010

1[6]8. Ngalokhu kuchitshiyelwa isigaba 53 soMthetho omkhulu –

(a) ngokufaka esikhundleni sesigatshana (2) lesi sigaba esilandelayo:

“(2) ILungu loMkhandlu oPhethe kumele, uma likhipha umyalelo ngokwesigatshana (1), lenze njalo ngokubonisana noMkhandlu oPhethe nangemuva kokubonisana neBhodi [, iKomidi lemiSebenzi nanoma

iliphi ikomidi lemisebenzi eliqokwe isiShayamthetho sesiFundazwe esinesibopho sokuphatha iminyango ebhekelele izindaba ezibandakanya ezokuvakasha kanye nezomnotho].”;

(b) nangokufaka esikhundleni sesigatshana (3) lesi sigatshana esilandelayo:

“(3) ILungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja, ngokubonisana noMkhandlu oPhethe nangemuva kokubonisana neBhodi [ikomidi lemisebenzi okukhulunywe ngalo esigatshaneni (2)] nanoma imuphi umnikazi welayisensi yekhasino ekhishwe ngokwesigaba 51 oyothikanyezwa isinqumo seLungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja ngokwalesi sigaba, lingaguqula noma lihxise noma imuphi umyalelo okhishiwe ngakwalesi sigaba.”.

Ukuchitshiyelwa kwesigaba 53 soMthetho 8 ka 2010

1[7]9. Ngalokhu kuchitshiyelwa isigaba 53 soMthetho omkhulu ngokuthi kususwe izigatshana (4) no (5).

Ukuchithwa kwesigaba 54 soMthetho 8 ka 2010

[18]20. Ngalokhu kususwa isigaba 54 soMthetho omkhulu.

Ukuchitshiyelwa kwesigaba 55 soMthetho 8 ka 2010

[19]21. Ngalokhu kuchitshiyelwa isigaba 55 soMthetho omkhulu –

(a) ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

“(1) Akekho umuntu ongaba nezakhiwo lapho kudlalwa khona imishini yokudlala, amatheminali kagesi okudlala ibhingo noma imishini ekhokha isamba esinqunyiwe ngaphandle uma lowo muntu onelayisensi esemthethweni [yekhasino, enelayisensi yomqhubi wendawo ozimele noma enelayisensi yomqhubi wendawo] ekhishwe ngokwalo Mthetho.”; futhi

(b) nangokuthi kufakwe esikhundleni sesigatshana (2) lesi sigatshana esilandelayo:

“(2) Akekho umuntu [–

(a) ongafaka imishini yokudlala noma imishini ekhokha isamba esithile ezakhiweni ezinelayisensi ukuze idlalwe;

(b) ongalungisa noma ongakhanda, ashintshe noma aphucule imishini yokudlala noma imishini ekhokha isamba esithile kuleso sakhiwo;] ongasebenzisa amalungelo noma

[(c)] enze noma imiphi [eminye] imisebenzi enqunyiwe [yomqhubi womzila, ngaphandle uma lowo muntu enelayisensi yekhasino, enelayisensi yomqhubi wendawo noma enelayisensi yomqhubi wendawo ozimele] yomnikazi welayisensi, ngaphandle uma lowo muntu enelayisensi esemthethweni ekhishwe ngokwalo Mthetho.”.

Ukuchitshiyelwa kwesigaba 57 soMthetho 8 ka 2010

2[0]2. Ngalokhu kuchitshiyelwa isigaba 57 soMthetho omkhulu ngokuthi kususwe izigatshana (4) no (5).

Ukuchitshiyelwa kwesigaba 59 soMthetho 8 ka 2010

2[1]3. Ngalokhu kuchitshiyelwa isigaba 59 soMthetho omkhulu ngokuthi kufakwe esikhundleni sendima (a) le ndima elandelayo:

“(a) wakhiwe noma uwuhlobo olungahambisani [namazinga noma namaqophelo kazwelonke] namazinga ayimpogo asebenzayo noma, uma kungekho [mazinga noma maqophelo kazwelonke] mazinga ayimpogo asebenzayo, ungahlangabezani namazinga [kanye] noma namaqophelo anqunywe iBhodi emithethweni yayo.”.

Ukuchitshiyelwa kwesigaba 62 soMthetho 8 ka 2010

2[2]4. Ngalokhu kuchitshiyelwa isigaba 62 soMthetho omkhulu –

(a) ngokuthi kufakwe esikhundleni sendima (d) yesigatshana (1) le ndima elandelayo:

“(d) [amazinga kanye] izidingo eziphathelene nempahla yemidlalo yemali ebekwe, esetshenziswa futhi eqhutshwa egumbini lebhingo;”;

(c) nangokususwa kwezigatshana (4) no (5).

[Ukuchitshiyelwa kwesigaba 69 soMthetho 8 ka 2010**23. Ngalokhu kuchitshiyelwa isigaba 69 soMthetho omkhulu –**

- (a) ngokuthi kususwe igama “noma” ngemuva kwendima (c);
- (b) ngokuthi kufakwe igama “noma” ngemuva kwendima (d);
- (c) nangokuthi kufakwe ngemuva kwendima (d) le ndima entsha elandelayo:
“(e) ukubhaliswa kudingeka ukuthi kuvuselelwe ngokwesigaba 32A.”.]

Ukuchitshiyelwa kwesigaba 73 soMthetho 8 ka 2010**2[4]5. Ngalokhu kuchitshiyelwa isigaba 73 soMthetho omkhulu siyachitshiyelwa ngokuthi kufakwe esikhundleni sendima (b) le ndima elandelayo:**

“(b) zonke izindleko iBhodi engene kuzona maqondana nanoma ikuphi ukuphenya ekwenze ngokwezigaba 35 no 37, kubandakanya izindleko engene kuzo maqondana nesikhathi esichithwe abasebenzi beBhodi benza uphenyo lapho zivela khona njengenkokhelo emile oHlelweni 2: Kuncike ekutheni iBhodi ingadinga umfakisicelo ukuthi ayinike isibambiso, njengoba inganquma, ngaphambi kokwenza noma iluphi uphenyo okuhlongozwe ezigabeni ezibaluliwe.”.

Ukuchitshiyelwa kwesigaba 77 soMthetho 8 ka 2010**2[5]6. Ngalokhu kuchitshiyelwa isigaba 77 soMthetho omkhulu –**

- (a) ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:
“(1) Bonke abantu abanamalayisensi ngokwalo Mthetho kumele [kuncike esigabeni 129,] bakhokhe izintela ezinqunyiwe ngokoMthetho weNtela yemiDlalo yeMali nokuBheja waKwaZulu-Natali, 2010 (uMthetho No. 9 ka 2010), esiKhwameni seNgeniso sesiFundazwe, ngendlela enqunyiwe nangesikhathi esifanayo, kumele bahambise izincwadi zentela kwiBhodi ngendlela enqunyiwe.”;
- (b) nangokuthi kufakwe esikhundleni sesigatshana (2) lezi zigatshana ezilandelayo:
“(3) UMnyango woMgcinimafa kumele ukhokhise zonke izimali zentela ezitholakele, njengoba kunqunywe eMthethweni weNtela yemiDlalo yeMali nokuBheja waKwaZulu-Natali, 2010 (uMthetho No. 9 ka 2010),

zingakapheli izinsuku ezingama-20 kuphele inyanga ngayinye.

(4) IBhodi kumele ihlinzeke iLungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja ngombiko ochaza kabanzi mayelana nentela etholakele nekhishwe iHhovisi loMgcinimafa lesiFundazwe ngendlela enqunyiwe, zingakapheli izinsuku ezingama-20 kuphele inyanga ngayinye."

(5) Intelu kumele ikhokhwe njalo ekupheleni kwesikhathi esinqunyelwe ukhokhwa kwentela futhi bonke abanikazi bamalayisensi kumele bakhokhe intela enqunyiwe ezinsukwini eziyi-10 kuphele isikhathi esinqunyelwe ukukhokhwa kwentela.

(6) Ngokwezinhloso zalesi sigaba, "isikhathi esinqunyelwe ukukhokhwa kwentela" kushiwo sikhathi esingangenyanqa."

Ukuchitshiyelwa kwesigaba 78 soMthetho 8 ka 2010

2[6]7. Ngalokhu kuchitshiyelwa isigaba 78 soMthetho omkhulu ngokuthi kufakwe esikhundleni sesigaba 78 lesi sigaba esilandelayo:

"Inhlawulo yokukhokha emva kwesikhathi esibekiwe

78.(1) Uma umuntu onelayisensi ehluleka ukukhokha noma iyiphi imali noma intela noma ingxenye yayo ngosuku okumele akhokhe ngalo, ilayisensi yakhe kuyothathwa ngokuthi ihoxiswe ngaleso sikhathi kuze kube ukhokha leyo mali noma leyo ntela, kanye nenhlawulo enqunyiwe esinenzalo.

(2) Uma ilayisensi imisiwe ngokwalesi sigaba, imisebenzi egunyazwa ilayisensi [nayo kumele imiswe] kumele ingaghubeki: Kuncike ekutheni ukumiswa kwaleyo misebenzi kungenziwa kuphela iBhodi, emahoreni angama-24 ngemuva kokuba iBhodi yazise umnikazi welayisensi noma umuntu obhalisiwe, ngencwadi, ngemuva kwalokho, wehluleka ukukhokha imali, intela noma ilevi, kanjalo nenhlawulo enqunyiwe esinenzalo, engakapheli amahora angama-24.

(3) Inhlawulo enqunyiwe esinenzalo kumele ikhokhwe esiKhwameni seNgeniso sesiFundazwe."

Ukuchitshiyelwa kwesigaba 89 soMthetho 8 ka 2010

2[7]8. Ngelokhu kususwa isigaba 89 soMthetho omkhulu [siyasuswa bese kuthi esikhundleni saso] sichitshiyelwa ngokuthi kufakwe esikhundleni sesigaba 89 lesi sigaba esilandelayo –

“Ilayisensi yomqhubi wenkundla yamahhashi

[89.(1) Inkampani ingafaka isicelo kwiBhodi, ngendlela engunywe iBhodi, sokuthola ilayisensi noma amalayisensi alezi zinhlobo ezilandelayo zamalayisensi abaqhubi bezinkundla zemijaho:

(a) ilayisensi yomqhubi wenkundla yemijaho yamahhashi onelungelo elingadluliseleki, egunyaza umnikazi waleyo layisensi ukuthola ilayisensi yethotho, eyogunyaza umnikazi welayisensi yokughuba umjaho wamahhashi omjaho, emcimbini wezemidlalo noma komunye umgubho;

(b) ilayisensi yomqhubi wenkundla yemijaho yamahhashi omtelebhelo, egunyaza lowo mnikazi welayisensi ukubamba imihlangano yemijaho yamahhashi omtelebhelo enkundleni eyodwa noma ngaphezulu ezibalulwe lwilayisensi nokuthola ilayisensi yethotho, eyogunyaza umnikazi welayisensi yethotho ukuqhuba ithotho emjahweni wamahhashi omtelebhelo kuphela; noma

(c) ilayisensi yomqhubi wenkundla yemijaho yamahhashi adonsa izingola, egunyaza umnikazi waleyo layisensi ukubamba imihlangano yemijaho yamahhashi adonsa izingola enkundleni eyodwa noma ngaphezulu ezibalulwe lwilayisensi nokuthola ilayisensi yethotho, eyogunyaza umnikazi welayisensi yethotho ukuqhuba ithotho emjahweni wamahhashi adonsa izingola kuphela.

(2) ILungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja kumele linike iBhodi umyalelo ophathelene –

(a) nelayisensi yomqhubi wenkundla yemijaho yamahhashi enelungelo elingadluliseleki eyodwa eyokhishwa esiFundazweni;

(b) nesikhathi sokusebenza kwaleyo layisensi kuyoba iminyaka eyishumi nanhlanu (15);

(c) nokuvikeleka kwenggalasizinda yemijaho yamahhashi akhona esifundazweni;

(d) nokukhishwa kwemigomo leyo layisensi esebenza ngaphansi kwayo, kubandakanya phakathi kokunye, imali ephathelene nelayisensi yomqhubi wenkundla yemijaho yamahhashi onelungelo elingadluliseki, nokudingekayo ukuthuthukiswa, nokulungiswa kwengqalasizinda yomjaho wamahhashi nemiklamo yokutshalwa kwezimali amabhizinisi kwingqalasizinda yomjaho wamahhashi.

(3) ILungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja kumele, uma likhipha umyalelo ngokwesigatshana (2), libonisane noMkhandlu oPhethe nangemuva kokubonisana neBhodi.

(4) ILungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja, lingabonisana noMkhandlu oPhethe futhi ngemuva kokubonisana neBhodi nomnikazi welayisensi yomqhubi wenkundla yamahhashi omjaho, lingaguqula noma lingahoxisa noma imuphi umyalelo okhishwe ngokwesigatshana (2).

(5) Izigatshana (1), (2), (3) no (4) salesi sigaba ziyogala ukusebenza ngosuku oluyongunywa iLungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja futhi washicilelwa ngeSaziso kwiGazethi.

(6) Bonke abanikazi bamalayisensi abaqhubi ezinkundla zemijaho yamahhashi akhishwe ngaphambi kokuqala kokusebenza kwalesi sigaba, kumele bafake isicelo selayisensi ehlongozwe esigatshaneni (1), zingakapheli izinyanga eziyi-6 ngemuva kosuku oluhlongozwe kwisigatshana (5).

(7) Amalayisensi abanikazi bamalayisensi abaqhubi bezinkundla zemijaho yamahhashi akhishwe ngaphambi kokuqala kokusebenza kwalesi sigaba ayaqhubeka asebenze kuze kube iBhodi ithatha isinqumo ngesicelo esifakwe ngokwesigatshana (1), noma kuze kuphele isikhathi esihlongozwe esigatshaneni (6) ngaphambi kokuthi umnikazi welayisensi afake isicelo esihlongozwe esigatshaneni (1), kuncike ekutheni iluphi usuku olufika kuqala.

(8) Isicelo esihlongozwe esigatshaneni (1) kumele sihambisane

nesivumelwano sokuba inkampani ngokomthetho kanjalo nezimali ezinqunywe oHlelweni 2, lezo zimali okumele zikhokhwe kwiBhodi.

(9) Ilayisensi yomqhubi wenkundla yemijaho yamahhashi angeke ikhishwe

=

(a) ngaphandle uma iBhodi iqculisekile ukuthi kuyokwenziwa inhlinzeko yokughutshwa nokulawulwa komjaho wamahhashi kanye nokubheja enkundleni noma ezinkundleni ezibaluliwe ngendlela ezoqinisekisa ukufezwa kwezinhloso zeBhodi ezihlongozwe esigabeni (6)(1)(a), (c), (d), (e) no (f); futhi

(b) uma, kuncike esigabeni 133, noma imuphi umqondisi, ilungu noma umuntu onamasheya, kubandakaya ukuhlomula ngokwezezimali, angamaphesenti amahlanu noma ngaphezulu enkampanini eba ngongafanelekile noma engasafanelekile njengoba kuhlonozwe esigabeni 32.

(10) Ilayisensi ekhishwe ngokwesigatshana (1) kumele, njengesidingo esinqala ibalule –

(a) okuhlonza umnikazi elayisensi;

(b) okuphathelene nemijaho yamahhashi ilayisensi evumela umnikazi welayisensi angakwenza noma angakuhlinzeka umphakathi;

(c) izinkundla zemijaho yamahhashi umnikazi welayisensi avumelekile ukuzisebenzisa; kanye

(d) nokuthi ilayisensi iphelelwa nini isikhathi.

(11) Umqhubi wenkundla yemijaho kumele, ezinyangeni ezintathu ethole ilayisensi yomqhubi wenkundla yemijaho yamahhashi, alethe imithetho leyo nkundla yamahhashi ehlose ukuqhuba ngayo imijaho yamahhashi, kwiBhodi, ukuze iyigunyaze, futhi kumele aphinde alethe noma iziphi izichibiyelo ezihlongozwayo zemithetho egunyaziwe esebenzayo, kwiBhodi, ukuze iyigunyaze, ngaphambi kokuqala kokusebenza kwalezo zichibiyelo ezihlongozwayo.

(12) IBhodi ingesula noma ihoxise, isikhathi esibekiwe, ilayisensi yomqhubi

wenkundla yemijaho wamahhashi uma omunye wabasebenzi bomqhubi bephule, noma ngezizathu ezizwakalayo kunezinsolo, zokwephula lo Mthetho, uMthetho weNtela yemiDlalo yeMali nokuBheja, 2010 (uMthetho No. 9 ka 2010), imithethonqubo, noma imigomo yaleyo layisensi.

(13) IBhodi inganika ubhuki ilungelo elingenakudluliselwa lokuqhuba ibhizinisi lobubhuki kunoma iyiphi inkundla yomjaho wamahhashi eyodwa ebalulwe kwilayisensi yomqhubi wenkundla yemijaho wamahhashi, kuncike kwimvume yomqhubi wenkundla yemijaho wamahhashi othintekayo, leyo mvume okungeke yagodiwa ngaphandle kwesizathu esizwakalayo.

(14) Umqhubi wenkundla yemijaho wamahhashi kumele njalo ngonyaka, zingakapheli izinyanga eziyisithupha kuphele unyaka wezimali, ahlinzeke iBhodi ngekhophi yesitatimende sezimali esicwaningiwe saleyo nkundla yomjaho wamahhashi, esimaqondana nokusebenza kwalowo mqhubi wenkundla yemijaho wamahhashi salowo nyaka, lapho izitatimende zezimali nokwabiwa kwezimali ezihlongozwe 132(b) zihlonzwa ngokwehlukana kanjalo nezimali ezisetsh enzisiwe: Kuncike ekutheni iBhodi, uma umqhubi wenkundla yemijaho wamahhashi efaka isicelo, ingelula isikhathi ngezinyanga ezingqile kweziyisithupha.”]

89.(1) IBhodi, lapho kufakwe isicelo ngendlela enqunywe yiBhodi futhi kweyame ezinhlinzekweni zesigatshana (3), lingavumela ukukhishwa kwelayisensi [yomqhubi] yenkundla yomjaho wamahhashi yomqhubi kunoma muphi umgwamanda, noma imigwamanda, ukuthi athamele imihlangano yomjaho wamahhashi enkundleni yomjaho wamahhashi eyodwa noma ngaphezulu ebalulwe kwilayisensi, lelo gunya lingaba nemibandela noma ingabi nemibandela: Kuncike ekutheni, uma kudingidwa lesicelo, iBhodi kumele libheke izindaba zomnotho, ukuthuthukiswa kwenhlalanhle nokuncintisana okuqukethwe ezigabeni 53 no-54 zoMthetho Wokugembula Kazwelonke.

(2) Umgwamanda ngokwesigaba (1) kumele ube nokukhangiswa nokusetshenziswa kwenkundla yomjaho wamahhashi njengokunye kwezinjongo zawo.

(3) Ilayisensi egunyazwe ngokwesigaba (1), ngeke ikhishwe –

(a) ngaphandle uma iBhodi laneliseka ngokuthi izinhlinzeko ezifanele

zizokwenziwa ngenhloso yokusebenzisa nokulawula umjaho wamahhashi nokubheja enkundleni yomjaho wamahhashi noma ezinkundleni zemijaho yamahhashi ezibekiwe ngendlela ezokwenza kubonakale lezi zinjongo zeBhodi ezihlongozwe esigabeni 6(1)(a), (c), (d), (e) kanye nesigaba (f);

(b) Uma, kweyame ezinhlinzekweni zesigaba 133, noma yimuphi umqondisi, ilungu noma othola inzuzo ehlomula, kubandakanya inzuzo yemali, engamaphesenti amahlanu noma ngaphezulu kumgwamanda egcina ingasafanelekile ngokuhlongoza kwesigaba 32; futhi

(c) nangaphandle uma iBhodi selibonisene NoPhiko Lwemijaho Yamahhashi Kuzwelonke futhi lathola ubufakazi obubhaliwe bokuthi inkundla noma izinkundla zemijaho yamahhashi ezibalulwe kwilayisensi ziyahambisana nemithetho kanye nezinye izidingo zoPhiko ezibaluliwe.

(4) Isicelo esifakiwe esihlongozwe esigatshaneni (1) kumele siphelzelwe izincwadi zokubandakanyeka zalowo ofake isicelo, izimali zokufaka isicelo nezophenyo ezinqunywe kwiSheduli 2, lezo zimali ezikhokhwa kwiBhodi.

(5) Ilayisensi ekhishwe ngokwesigatshana (1) kumele sibalule:

(a) umnikazi welayisensi;

(b) imisebenzi ilayisesi evumela umnikazi welayisensi ukuthi iyenze, iyiqhube noma itholakale emphakathini;

(c) izinkundla zemijaho yamahhashi lapho ilayisensi ivumekele ukuthi isebenze; kanye

(d) nesikhathi selayisensi.

(6) IBhodi lingakhansela noma limise ilayisensi yomqhubi wenkundla yomjaho wamahhashi, isikhathi esinqunyiwe, uma kukhona noma yimuphi umsebenzi womqhubi welayisensi yomjaho wamahhashi noma abasebenzi betholakala bephule umthetho noma kunezinsolo ezingqala zokuphulwa kwalo Mthetho, uMthetho Wentela Yemidlalo Yemijaho Yamahhashi Nokugembula, 2010, imithethonqubo, noma imibandela yaleyo layisensi.

(7) IBhodi lingagunyaza ilungelo elingadluliselwa kubhukhi ukuthi aqhube ibhizinisi likabhukhi kunoma iyiphi inkundla yomjaho wamahhashi ebalulwe kwilayisensi yomqhubi wenkundla yomjaho wamahhashi, kweyame kwimvume yomqhubi wenkundla yomjaho

wamahhashi okuqondene naye, leyo mvume ngeke yagodlwa ngaphandle kwezizathu ezizwakalayo.

(8)(a) Yonke imihlangano yemijaho yamahhashi omtelebhelo ehlanganyele enkundleni noma ezinkundleni zemijaho yamahhashi ezibalulwe kwilayisensi yomqhubi wenkundla yemijaho yamahhashi kumele ihlanganyele ngaphansi kwemithetho yomthethosisekelo, imithetho nemithethonqubo yoPhiko Lwemijaho Yamahhashi Kuzwelonke.

(b) Imihlangano yomijaho wamahhashi adonsa izingola ehlanganyele enkundleni noma ezinkundleni zemijaho yamahhashi ebalulwe kwilayisensi yomqhubi wenkundla yemijaho yamahhashi kumele ihlanganyele ngaphansi kwemithetho ehlongozwe esiqabeni (c) esisetshenziselwa lolu hlobo lomijaho wamahhashi.

(c) Umqhubi wenkundla yomijaho wamahhashi kumele –

- (i) zingakapheli izinyanga ezintathu ethole ilayisensi yomqhubi wenkundla yomijaho wamahhashi, umqhubi angenise imithetho ahlose ukughuba ngayo imihlangano yemijaho yamahhashi ukuze athole imvume yeBhodi; futhi
- (ii) angenise izichibiyelo ezihlongozwe emithethweni ephasisiwe ekhona ukuze aqhube imihlangano yemijaho yamahhashi ukuze athole imvume kwiBhodi ngaphambi kokuba aqale ukusebenzisa izichibiyelo ezihlongoziwe.

(9) Umqhubi wenkundla yemijaho yamahhashi kumele njalo ngonyaka, zingakapheli izinyanga eziyisithupha emva kokuphela konyakamali, ahlinzeke iBhodi ngekhophi yesitatimende sezimali esicwaningiwe salowo mqhubi wenkundla yemijaho yamahhashi, maqondana nemisebenzi yalowo mqhubi wenkundla yemijaho kulowo nyakamali okuqondene nawo, lapho izitatimende zemali ezicwaningiwe okukhulunywa ngazo esiqabeni 132(b) zibekwe zahlukaniswa ngokwezindleko eziqondene nazo: Kuncike ekutheni iBhodi, lapho kufakwe isicelo umqhubi wenkundla yemijaho yamahhashi, lingalula isikhathi esingevile ezinyangeni eziyisithupha.

Ukuchithwa kwesigaba 90 soMthetho 8 ka 2010

2[8]9. Ngalokhu kususwa isigaba 90 soMthetho omkhulu.

Ukuchitshiyelwa kwesigaba 91 soMthetho 8 ka 2010

[29]30. Ngalokhu kuchitshiyelwa isigaba 91 soMthetho omkhulu ngokuthi kufakwe esikhundleni sesigatshana

(1) lesi sigatshana esilandelayo:

"(1) Ngaphandle uma ivuselelwe ngokwesigatshana (2), ilayisensi ekhishwe ngokwesigaba 89(1) iphelelwa isikhathi mhla zingama-31 [kuZibandlela] kuNdasa wonyaka wezimali weBhodi ngalowo nyaka ekhishwe noma evuselelwe ngawo: Kuncike ekutheni ngokwezinhloso zalesi sigaba, unyaka wezimali weBhodi uqala mhla lu-1 kuMbasa uphele mhla zingama-31 kuNdasa.".

Ukuchitshiyelwa kwesigaba 94 soMthetho 8 ka 2010

3[0]1. Ngalokhu kuchitshiyelwa isigaba 94 soMthetho omkhulu –

(a) ngokuthi kufakwe esikhundleni sesigatshana (4) lesi sigatshana esilandelayo:

"(4) Ilayisensi kabhuki ingakhishelwa umuntu oyedwa, abantu ababili noma ngaphezulu abasebenza ebhizinisini ngesivumelwano sokusebenzisana, noma inkampani eyodwa.";

(b) nangokuthi kufakwe esikhundleni sesigatshana (7) lesi sigatshana esilandelayo:

"(7) Ngaphandle uma seyivele yesuliwe ngokwesigaba 99, ilayisensi kabhuki iphelelwa isikhathi mhla zingama-31 [kuZibandlela] kuNdasa wonyaka wezimali weBhodi ekhishwe [kodwa ingavuselelwa] noma evuselelwe ngawo, [ngendlela enqunywe iBhodi, unyaka nonyaka ngokubona kweBhodi] uma sekukhokhwe izimali zokuvuselelwa kwelayisensi ezinqunywe oHlelweni 2: Kuncike ekutheni, ngokwezinhloso zalesi sigaba, unyaka wezimali weBhodi uqala mhla lu-1 kuMbasa uphele mhla zingama-31 kuNdasa.".

Ukuchithwa kwesigaba 97 soMthetho 8 ka 2010

3[1]2. Ngalokhu kususwa isigaba 97 soMthetho omkhulu.

Ukuchithwa kwesigaba 98 soMthetho 8 ka 2010

3[2]3. Ngalokhu kususwa isigaba 98 soMthetho omkhulu.

Ukuchithwa kwesigaba 106 soMthetho 8 ka 2010

3[3]4. Ngalokhu kususwa isigaba 106 soMthetho omkhulu.

Ukuchitshiyelwa kwesigaba 110 soMthetho 8 ka 2010

3[4]5. Ngalokhu kuchitshiyelwa isigaba 110 soMthetho omkhulu –

(a) ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

“(1) IBhodi, uma kufakwa isicelo ngendlela eyinqumile, ingakhipha ilayisensi, enemibandela noma engenamibandela iyinikeze umqhubi wenkundla yemijaho yamahhashi ukuthi aqhube ithotho –

(a) [umqhubi wenkundla yemijaho yamahhashi ukuthi aqhube ithotho] emjahweni wamahhashi omtelebhele, emicimbini yezemidlalo noma omunye umcimbi noma umcimbi ongahleliwe; [futhi]

(b) [umuntu ngaphandle komqhubi wenkundla yemijaho yamahhashi omtelebhele ukuqhuba ithotho emcimbini wezemidlalo noma komunye umcimbi, leyo layisensi ingakhishwa ngaphansi kwemibandela ethile noma ngaphandle kwemibandela] emjahweni wamahhashi omtelebhele, kuphela[.]; kanye

(c) nomqhubi wenkundla yemijaho yamahhashi adonsa izingola.”;

(b) nangokufaka esikhundleni sesigatshana (4) lesi sigatshana esilandelayo:

“(4) Ilayisensi yomqhubi wethotho, ngaphandle uma yesulwe ingakaphelelwa isikhathi ngokwesigaba 112, iphelelwa isikhathi ngosuku lwamashumi amathathu nanye [kuZibandlela] kuNdasa wonyaka wezimali weBhodi [leyo] ilayisensi eyakhishwa [ilayisensi] noma eyavuselelwa ngawo, [ngendlela enqunywe iBhodi, unyaka nonyaka ngokubona kweBhodi] kodwa enokuvuselelwa uma kufakwa isicelo ngendlela enqunyiwe nanoma kukhokhwa imali yokuvuselela ilayisensi enqunywe kwiSheduli 2.”.

Ukuchitshiyelwa kwesigaba 111 soMthetho 8 ka 2010

3[5]6. Ngalokhu kuchitshiyelwa isigaba 111 ngokuthi kufakwe ngemuva kwesigatshana 5 lesi sigatshana esilandelayo:

“(6) Umuntu kudingeka ukuthi abhaliswe njengemenenja yethotho uma –

- (a) yena ngokwakhe, noma njengengxenywe yegembu, esungula inqubomgomo yokusebenza;
- (b) elawula ngqo yonke imisebenzi egunyazwe ilayisensi yethotho;
- (c) elungisa amabhuku entela nezitatimende zentela;
- (d) enegunya lokuvulela umuntu obhejaye isikweletu;
- (e) enegunya lokuxazulula ukungaboni ngaso linye nokubhekana nezikhalo zabantu ababhejaye."

Ukuchitshiyelwa kwesigaba 119 soMthetho 8 ka 2010

3[6]7. Ngalokhu kuchitshiyelwa isigaba 119 ngokuthi kufakwe ngemuva kwendima (c) le ndima elandelayo:

"(c) kuleyo ndawo egunyazwe ngokwesigaba 121 [noma njengoba kuhlinzekwe emithethweni yeBhodi].".

Ukuchitshiyelwa kwesigaba 120 soMthetho 8 ka 2010

3[7]8. Ngalokhu kuchitshiyelwa isigaba 120 ngokuthi kufakwe ngemuva kwesigatshana

(1) lesi sigatshana esilandelayo:

"(1) Umuntu onikezwe ilayisensi ngokwesigaba 94 noma 110 kumele athole imvume yeBhodi yazo zonke izakhiwo ezinelayisensi [ezizosetshenziselwa ukuqhuba ibhizinisi lobubhuki, lethotho, legatsha lethotho noma le-eyensi yethotho, njengoba kungaba njalo, leyo mvume engakhishwa ngaphansi kwemibandela ethile noma ngaphandle kwemibandela].".

Ukuchitshiyelwa kwesigaba 121 soMthetho 8 ka 2010

3[8]9. Ngalokhu kuchitshiyelwa isigaba 121 ngokuthi kufakwe esikhundleni sesigatshana

(1) lesi sigatshana esilandelayo:

"(1) Umuntu onikezwe ilayisensi ngokwesigaba 94 noma 110 kumele athole imvume yeBhodi, ngendlela enqunywe iBhodi, yegunya [lokuqhuba ibhizinisi lokubheja] lokuqhuba ibhizinisi lokubheja okwesikhashana, isikhathi esinqunyiwe, kunoma iyiphi indawo, ngaphezu kwezakhiwo ezivunywe iBhodi ngokwesigaba 120, leso sicelo iBhodi engasichitha noma ikhiphe imvume ngaphansi kwemibandela ethile noma ngaphandle kwemibandela."

Ukuchitshiyelwa kwesigaba 123 soMthetho 8 ka 2010

[39]40. Ngalokhu kuchitshiyelwa isigaba 123 soMthetho omkhulu –

(a) ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

“(1) Umuntu onelayisensi ngokwesigaba 94 noma 110 angeke asebenzise ngenhloso yokuqopha ukubheja neminingwane ephathelene nokubheja, noma iluphi uhlelo lwekhompyutha lokugcina amarekhodi noma iluphi uhlelo lwekhompyutha lokugcina amarekhodi oluchitshiyelwe, ngaphandle uma lolo hlelo noma ukuchitshiyelwa kwalo [kugunyazwe iBhodi futhi kwaqinisekiswa yi-SABS] kuhambisana namazinga ayimpogo abekiwe futhi iBhodi igunyaze futhi yabhalisa lolo hlelo lwekhompyutha lokugcina amarekhodi, noma ukuchitshiyelwa kwalo, ngesitifiketi sokugunyazwa, noma uma kungekho mazinga ayimpogo abekiwe, lolo hlelo lwekhompyutha lokugcina amarekhodi luhlangabezana namazinga namaqophelo ezinhlelo zekhompyutha zokugcinwa kwamarekhodi, njengoba kungume iBhodi.”;

(b) ngokuthi kufakwe esikhundleni sesigatshana (2) lesi sigatshana esilandelayo:

“(2) Noma imuphi umuntu ofisa ukuqala, ukwakha noma ukuchibiyela uhlelo lwekhompyutha lokugcina amarekhodi, noma ukuhlinzeka uhlelo lwekhompyutha lokugcina amarekhodi [noma ukuchibiyela uhlelo lwekhompyutha lokugcina amarekhodi olugunyaziwe] lomuntu onelayisensi ngokwesigaba 94 noma 110, kumele afake isicelo kwiBhodi, ngendlela enqunywe iBhodi, sokuthi kugunyazwe futhi kubhaliswe lolo hlelo noma ukuchitshiyelwa kwalo futhi leso sicelo kumele sihambisane nezimali ezikhokhwayo zesicelo nezophenyo ezinqunywe oHlelweni 2, okuyizimali ezikhokhwa kwiBhodi.”;

(c) ngokuthi kufakwe esikhundleni sesigatshana (3) lesi sigatshana esilandelayo:

“(3) IBhodi –

(a) ingagunyaza, ngemibandela noma ngaphandle kwemibandela, noma ichithe uhlelo lwekhompyutha lokugcina amarekhodi noma ukuchitshiyelwa kwalo; noma

(b) ingabuyisela emuva isicelo kumkhiqizi noma kumhlinzeki walo ukuze alethe eminye iminingwane.”;

(d) ngokuthi kufakwe esikhundleni sesigatshana (4) lesi sigatshana esilandelayo:

“(4) IBhodi ingacela umuntu onelayisensi ngokwesigaba 94 noma 110 [ukuba axhume] ukuba axhumanise ngogesi lolo hlelo lokuqapha njengoba iBhodi inganquma nohlelo lwekhompyutha lokugcina amarekhodi olugunyaziwe alusebenzisayo lowo muntu.”;

(e) nangokuthi kufakwe ngemuva kwesigatshana (4) lesi sigatshana esilandelayo:

“(5) IBhodi kumele igcine irejista evuselelwe, okumele itholakale kalula ngemishini kagesi kubona bonke obhuki abanamalayisensi.

(6) Irejista okukhulunywe ngalo esigatshaneni (5), mayelana nohlelo lwekhompyutha lokugcina amarekhodi nohlobo ngalunye lohlelo lwekhompyutha lokugcina amarekhodi olugunyazwe iBhodi –

- (a) inombolo ehlonza uhlobo ngalunye olugunyaziwe lohlelo lwekhompyutha lokugcina amarekhodi; kanye
- (b) nosuku okwagunyazwa ngalo lolo hlobo.”.

Ukuchitshiyelwa kwesigaba 124 soMthetho 8 ka 2010

4[0]1. Ngalokhu kuchitshiyelwa isigaba 124 soMthetho omkhulu ngokuthi kufakwe esikhundleni sesigaba 124 lesi sigaba esilandelayo:

“Ukubheja kubhuki, kwimenenja kanye nasethotho

124. Noma imuphi umuntu, ngaphandle komuntu oqokwe njengomhloli ngokwesigaba 81 noma njengelungu leBhodi, oneminyaka eyi-18 noma ngaphezulu angabhejela kubhuki, kwimenenja, kumnikazi welayisensi yethotho, kumqhubi wethotho, kwimenenja yethotho noma kwi-ejenti yethotho noma imuphi umjaho wamahhashi, umcimbi wezemidlalo nanoma imuphi omunye umcimbi noma umgubho: Kuncike ekutheni lokho kubheja kwenziwa ngokwalo Mthetho futhi kuncike ekutheni akukhathalekile ukuthi umuntu obhejaye ukuphi ngesikhathi ebheja, kuthathwa ngokuthi ubheje ezakhiweni zikabhuki, zemenenja, zomnikazi welayisensi yethotho, zomqhubi wethotho, zemenenja yethotho noma ze-ejenti yethotho.”.

Ukuchitshiyelwa kwesigaba 125 soMthetho 8 ka 2010

4[1]2. Ngalokhu kuchitshiyelwa isigaba 125 soMthetho omkhulu ngokuthi kufakwe esikhundleni sesigaba 125 lesi sigaba esilandelayo:

"Ijoka lokuphendula ngezenzo zabasebenzi

125. Umnikazi welayisensi yethotho noma ubhuki, mavelana nemisebenzi egunyazwe ilayisensi yakhe, unelinye ijoka eliseceleni lokuphendula ngezenzo namaphutha abasebenzi balowo mnikazi welayisensi yethotho noma balowo bhuki."

Ukuchitshiyelwa kwesigaba 128 soMthetho 8 ka 2010

4[2]3. Ngalokhu kuchitshiyelwa isigaba 128 soMthetho omkhulu ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

"(1) Ibhizinisi lobubhuki kumele libambe emalini ewinwe umuntu obhejayo, ngale kwemali eyisiteki ewinwe umuntu obhejayo, intela nezimali ezibanjwayo ezinqunywe ngokoMthetho weNtela yeMidlalo yeMali nokuBheja waKwaZulu-Natali, 2010 (uMthetho No. 9 ka 2010), futhi kumele likhokhe lezo zimali [kwiBhodi] esiKhwameni seNgeniso sesiFundazwe ngokuhambisana nezinhlinzeko zesigaba [129] 77."

Ukuchitshiyelwa kwesigaba 129 soMthetho 8 ka 2010

4[3]4. Ngalokhu kuchitshiyelwa isigaba 128 soMthetho omkhulu –

(a) ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

"(1) bonke obhuki kumele, ezinsukwini eziyi-10 kuphele inyanga ngayinye –

(a) bakhokhe [kwiBhodi] esiKhwameni seNgeniso sesiFindazwe, zonke izimali

ezabanjwa kubantu ababheja ngokwesigaba 128(1) [kanye] kanjalo nezintela zokubheja ezinqunywe ngokoMthetho Wemidlalo Yemali Nokubheja, 2010; futhi

(b) balethe, ngokuhambisana nesigaba 77, [kwiBhodi]

izitatimende zentela ngendlela enqunywe ngokwesigaba 7(2)(k).";

(b) nangokusulwa kwesigatshana (3).

Ukuchitshiyelwa kwesigaba 131 soMthetho 8 ka 2010

4[4]5. Ngalokhu kuchitshiyelwa isigaba 131 soMthetho omkhulu ngokuthi kufakwe esikhundleni sesigatshana 131 lesi sigatshana esilandelayo:

“Izitatimende zezimali zomqhubi wethotho nokukhokhwa kwentela nezimali ezibanjwayo

131. Bonke abanikazi bamalayisensi amathotho kumele [ezinsukwini eziyi-10 kuphele inyanga ngayinye,] balethe, ngokuhambisana nesigaba 77, [kwiBhodi] izitatimende zentela ngendlela enqunywe ngokwesigaba 7(2)(k) futhi, ngaso lesi sikhathi bakhokhe [kwiBhodi] esiKhwameni seNgeniso sesiFindazwe [ngendlela enqunywe iBhodi] zonke izintela, ngokwemininingwane equkethwe kuleso sitatimende sentela.”

Ukuchithwa kwesigaba 132 soMthetho 8 ka 2010

4[5]6. Ngalokhu kususwa isigaba 132 soMthetho omkhulu.

Ukuchithshielwa kwesigaba 134 soMthetho 8 ka 2010

4[6]7. Ngalokhu kuchitshielwa isigaba 134 soMthetho omkhulu ngokuthi kufakwe esikhundleni sesigatshana 134 lesi sigatshana esilandelayo:

“Izindleko zophenyo

134. Uma iBhodi yenza uphenyo lokuhlola ukufaneleka komfakisicelo ezomnika ilayisensi, ezombhalisa noma ezomnika imvume edigekayo ngaphansi kweZahluko 13, 14, 15 noma 16, noma imvume yohlelo lwekhompyutha lokugcina amarekhodi, umfakisicelo kumele akhokhe kwiBhodi isamba esibalwe iBhodi [okuyisonasona] njengezindleko zeBhodi zokwenza lolo phenyo kubandakanya nezindleko ezimayelana nesikhathi esichithwe abasebenzi beBhodi ngesikhathi benza uphenyo lapho lezo zimali zivela njengezimali ezimisiwe oHlelweni 2.”.

Ukuchithshielwa kwesigaba 137 soMthetho 8 ka 2010

4[7]9. Ngalokhu kuchitshielwa isigaba 137 soMthetho omkhulu –

(a) ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

“[Isikhwama Sokuguqula Ezemijaho Yamahhashi Nezokubheja] IsiKhwama soGuquko

137.(1) Ngalokhu kusungulwa isikhwama esizokwaziwa ngokuthi [isiKhwama Sokuguqula Ezemijaho Yamahhashi Nezokubheja]

IsiKhwama soGuquko.”;

- (b) ngokuthi kufakwe esikhundleni sesigatshana (2) lesi sigatshana esilandelayo:
“(2) Noma iziphi izimali ezihlose ukuthuthukisa umdlalo futhi nezenganyelwe ikomidi elisungulwe ngokwesigaba 21A se-Odinensi yokuLawula iMijaho nokuBheja, 1957 (i-Odinensi No. 28 ka 1957), kumele, ngosuku lokuqalisa kwalo Mthetho, zikhokhwe **[esiKhwameni Sokuguqula Ezemijaho Yamahhashi Nezokubheja]** esiKhwameni soGuquko esisungulwe ngaphansi kwalesi sigaba.”;
- (c) ngokuthi kufakwe esikhundleni sesigatshana (3) lesi sigatshana esilandelayo:
“(3) ILungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja, ezimalini ezabiwe yisiShayamthetho sesiFundazwe ngaleyo nhloso futhi kuncike kuleyo migomo nakuleyo mibandela njengoba linganquma, linganikela **[esiKhwameni Sokuguqula Ezemijaho Yamahhashi Nezokubheja]** esiKhwameni soGuquko.”;
- (d) ngokuthi kufakwe esikhundleni sesigatshana (4) lesi sigatshana esilandelayo:
“(4) Izimpahla **[zesiKhwama Sokuguqula Ezemijaho Yamahhashi Nezokubheja]** zesiKhwama soGuquko kumele, kuncike kwimvume yeLungu loMkhandlu oPhethe elibhekele iMidlalo yeMali nokuBheja ukuthi zisetshenziswe ngezinhloso zokufeza izinjongo zeBhodi ezihlongozwe esigabeni 6(1)(c), (d) no (e).”;
- (e) ngokuthi kufakwe esikhundleni sesigatshana (5) lesi sigatshana esilandelayo:
“(5) IBhodi kumele ivule futhi igcine ibhuku eliseceleni lasebhange noma i-akhawunti yokulondoloza imali ebhange esiFundazweni futhi kumele ifake zonke izimali eziqongelelwe **[esiKhwameni Sokuguqula Ezemijaho Yamahhashi Nezokubheja]** esiKhwameni soGuquko ezivela nakweminye imithombo.”;
- (f) ngokuthi kufakwe esikhundleni sesigatshana (6) lesi sigatshana esilandelayo:
“(6) Inzalo yezimali ezifakwe ebhange ngokwesigatshana (3) no (4) kumele ziqongelelwe **[esiKhwameni Sokuguqula Ezemijaho Yamahhashi Nezokubheja]** esiKhwameni soGuquko.”;
- (g) ngokuthi kufakwe esikhundleni sesigatshana (7) lesi sigatshana esilandelayo:
“(7) IBhodi kumele igcine ngokuhlukana wonke amarekhodi afanele ezimali **[zesiKhwama Sokuguqula Ezemijaho Yamahhashi Nezokubheja]** zesiKhwama soGuquko, aqukethe iminingwane yazo

zonke izimali noma inzuzo yemali etholakele kanye nezimali ezikhokhiwe.”;

- (h) ngokuthi kufakwe esikhundleni sesigatshana (8) lesi sigatshana esilandelayo:
 “(8) Ayikho imali ekweletwayo [esiKhwameni Sokuguqula Ezemijaho Yamahhashi Nezokubheja] esiKhwameni soGuquko eyoba yingxenyeyezipahla zeBhodi noma eyothathwa egameni lomuntu okweleta noma labantu abakweleta iBhodi.”; kanye
- (i) nangokuthi kufakwe esikhundleni sesigatshana (9) lesi sigatshana esilandelayo:
 “(9) Amarekhodi ezimali neminye imininingwane ephathelene [nesiKhwama Sokuguqula Ezemijaho Yamahhashi Nezokubheja] nesiKhwama soGuquko, kumele acwaningwe uMcwaningimabhuku Jikelele ngezindleko zeBhodi.”.

Ukuchitshiyelwa kwesigaba 146 soMthetho 8 ka 2010

4[8]9. Ngalokhu kuchitshiyelwa isigaba 146 soMthetho omkhulu –

- (a) ngokuthi kufakwe esikhundleni sendima (s) le ndima elandelayo:
 “(s) ukulawulwa kwemishini yemidlalo, njengoba kuhlangezwe eMthethweni wokuGembula kaZwelonke; [kanye]
- (b) ngokuthi kufakwe esikhundleni sendima (t) le ndima elandelayo:
 “(t) noma iluphi olunye udaba olubalulekile ukuze kuqaliswe izinhloso nezinjongo zalo Mthetho kanye noMthetho weNtela yemiDlalo yeMali nokuBheja, 2010 (uMthetho No. 9 ka 2010)[.];
- (c) ngokuthi kufakwe ngemuva kwendima (t) lezi zindima ezilandelayo:
“(u) isibalo esiphezulu sanoma iluphi uhlobo lwelayisensi engakhishwa iBhodi;
(v) nanoma imiphi imikhawulo mayelana nebanga phakathi kohlobo oluthile lwendawo yemidlalo yemali noma yokubheja nanoma iluphi olunye uhlobo lwendawo yemidlalo yemali noma yokubheja.”.

Isihloko esifingqiwe

[49]50. Lo Mthetho ubizwa ngoMthethosichibiyelo Wemidlalo Yemali Nokubheja waKwaZulu-Natali, 201[5]7.